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ACTS

PASSED AT

The Thirteenth Annual Session

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA,

BEGUN AND HELD

IN THE

TOWN OF TUSCALOOSA,

ON THE THIRD MONDAY IN NOVEMBER,

ONE THOUSAND EIGHT HUNDRED AND THIRTY-ONE.

JOHN GAYLE,
GOVERNOR.
JAMES JACKSON,
PRESIDENT OF THE SENATE.
JAMES PENN,
SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TUSCALOOSA:
PRINTED BY WILEY, M'GUIRE & HENRY,
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1832

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IV

LAWS OF ALABAMA.

AN ACT

To establish a Branch of the Bank of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That a Branch of the Bank of the State of Alabama be, and the same is hereby established at such place as shall be determined upon by joint vote of both Houses of the General Assembly at the present session, to be known and styled "the Branch of the Bank of the State of Alabama." Branch Bank established.

Sec. 2. *And be it further enacted,* That the President and Directors of the Bank of the State of Alabama be, and they are hereby required, in behalf of the State, in eight months after the passage of this act, to supply the Branch Bank hereby established, with three hundred thousand dollars, to be set apart and applied to said Branch Bank: *Provided,* the same can be obtained by loan not exceeding five per centum per annum, and no part of the present capital stock of the Bank of the State of Alabama shall be furnished said Branch Bank. Its capital.

Sec. 3. *And be it further enacted,* That for the management of the concerns of said Branch Bank, the Legislature shall proceed to elect by joint vote of both Houses, a President and twelve Directors, whose office shall continue for one year, and until their successors shall be duly qualified; and all subsequent elections for President and Directors shall be by joint vote of both Houses of the General Assembly. President and Directors to be elected.

Sec. 4. *And be it further enacted,* That the following powers, rules, conditions, limitations and restrictions, shall be the fundamental laws of said Branch Bank, viz: 1st. The President and Directors for the time being, shall have power to elect and remove the Cashier and such other officers and clerks under them, as shall be necessary to execute the business of said Branch Bank, and allow them such compensation for their services as shall be fixed by law. 2d. They shall receive money on deposite, and pay out the same to order, free of expense; deal in bills of exchange and discount notes, made payable and negotiable at said Branch Bank, with two or more good and sufficient securities thereon, at a rate of interest not exceeding six per cent. per annum; no individual partnership or body corporate, (the Trustees of the University of the State of Alabama in their corporate capacity excepted,) shall be indebted, either directly or indirectly, by discount of any note or notes in a greater amount than two thousand dollars. 3d. In case of vacancy, by death, resignation, or Its powers, rules, &c.

removal out of the State of any Director, a majority of the Directors shall fill up such vacancy, and the Directors so appointed, shall hold his or their offices during the unexpired time of the Director or Directors dying, resigning, or removing out of the State. 4th. In case of death, resignation, or removal out of the State of the President, unless such removal be temporary, and he has permission of the Board of Directors, the Directors shall appoint one of their own body President, who shall serve until his successor shall be elected by the next General Assembly; no person who is not a citizen of this State, or who is a Director of any other Bank, or a co-partner of any such Director, shall be eligible as President or Director of said Branch Bank. 5th. Not less than five Directors shall constitute a Board for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which event the board may appoint, for the time being, a President pro tem. 6th. The Directors shall keep fair and regular entries of all their proceedings in a well bound book, to be provided for that purpose; and upon all questions, when one Director may require it, the yeas and nays shall be duly recorded on the minutes, and those minutes shall at all times, on demand, be produced to the Legislature, or any committee thereof who may be duly authorized to require the same; and on all such questions, every member present shall be required to vote. 7th. The President, Directors, Cashier, and Officers and Servants, shall take and subscribe the following oath, before entering on the discharge of the duties of their respective offices, to wit: I do solemnly swear, (or affirm, as the case may be,) that I will faithfully and correctly, to the best of my skill and ability, discharge the trust reposed in me as —— of the Branch Bank of the State of Alabama, so long as I may continue to discharge the duties of said office. So help me God.

Five to be a quorum.

Oaths of office.

Duration of charter, and powers of President and Directors.

Sec. 5. *And be it further enacted*, That the Branch of the Bank of the State of Alabama, hereby established, shall continue until the first day of January, one thousand eight hundred and forty-five, and the President and Directors shall have power to ordain, establish, and put into execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the good government of the same, not contrary to the laws and constitution of the State; and generally to do and execute all and singular such acts, matters and things as to them shall or may seem necessary to be done, subject, however, to the rules, restrictions, limitations and provisions prescribed in this act: *Provided*, that they shall not be authorized to expend more than five thousand dollars for a Banking House.

Its notes, how issued, and where payable.

Sec. 6. *And be it further enacted*, That the President and Directors of the Branch Bank hereby established, shall have power to issue notes, signed by the President, and countersigned by the Cashier, not under the denomination of one dollar: *Provided*, all bills or notes issued by said Branch Bank, shall be made payable in specie at the counter of said Bank.

Sec. 7. *And be it further enacted*, That it shall be the duty of the President and Directors of the said Branch Bank to furnish the President and Directors of the Bank of the State of Alabama, at least once every three months, if required by said Bank, statements shewing the amount of notes discounted, the amount of specie and bank notes on hand, the debts due to and from the same, and the amount of moneys deposited therein; and the President and Directors of the Bank of the State of Alabama, or a committee of the same appointed for that purpose, shall have a right to inspect the books of said Branch Bank whenever they may deem it necessary; and they shall faithfully report all and every violation of the fundamental rules of said Branch Bank to the General Assembly. To report to the Bank of the State.

Sec. 8. *And be it further enacted*, That if any Director, Cashier, or other officer or agent of said Branch Bank, shall embezzle or fraudulently convert to his or their own use, any sum of money, bank notes, bill of exchange, check, bond, or other security placed under his or their care and management, by virtue of his or their trust or place aforesaid, the person or persons so offending, his or their abettor or counsellor, upon conviction thereof, shall be judged guilty of felony, and sentenced to imprisonment in the jail of the county in which the offence may have been committed, for a term not less than twelve months, and there remain until he or they shall make good all damages which the Bank may have sustained by his or their misconduct, and be fined at the discretion of the jury trying said offence, and shall forever thereafter be disqualified from holding any office of profit, trust or emolument in the State of Alabama. Punishment of officers for embezzlement.

Sec. 9. *And be it further enacted*, That if any person shall be indebted to said Branch Bank, as maker or endorser of any note, bill, or bond, expressly made negotiable and payable at said Branch Bank, or on any bill of exchange purchased by said Branch Bank, payable at any place in or out of the State of Alabama, and shall delay payment thereof, it shall be lawful for the President thereof, after having given thirty days' notice to the maker or endorser, as the case may be, to move the circuit court of the county in which said Branch Bank may be established, on producing to said court, before whom the motion is made, the certificate of the President thereof, that the debt is really and *bona fide* the property of the Branch of the Bank of the State of Alabama, for judgement, and the court shall proceed to render judgement accordingly. To collect its notes by motion.

Sec. 10. *And be it further enacted*, That the citizens of this State shall be, and they are hereby authorized and at liberty to borrow money of the principal bank, or any branch or branches thereof, wherever they may choose to apply.

Sec. 11. *And be it further enacted*, That it shall not be lawful for the President, Directors, Cashier, or other officers of said Branch Bank, or any member of the General Assembly, to become endorser for each other, or any other person or persons of said Branch Bank. Who may not endorse.

When to discount.

Sec. 12. *And be it further enacted*, That it shall not be lawful for the President and Directors of said Branch Bank, to commence operations by discounting or issuing any notes or bills, until the half of the capital stock of said Branch Bank shall be had in specie in its vaults.

Discounts not to exceed double the capital.

Sec. 13. *And be it further enacted*, That the total amount of the debts which said corporation shall at any time owe, whether by bond, note, bill or contract, shall not exceed twice the amount of its capital, over and above the moneys then actually deposited in Bank for safe keeping, unless the contracting of any greater debt shall have been previously authorized by a law of this State; and in case of excess, the Directors under whose administration it shall happen, shall be liable for the same in their private capacities, and an action of debt may, in such case, be brought against them, or any of them, their or any of their heirs, executors or administrators, in any Court of this State having jurisdiction, by any creditor of said corporation, and may be prosecuted to judgement and execution, any condition, covenant, and agreement to the contrary notwithstanding; but this shall not be construed to exempt said Bank, or the lands, tenements, goods or chattels of the same; and on their insufficiency, the State of Alabama, from being also liable for, and being chargeable with, the said excess. Such of the said Directors who may have been absent when said excess was contracted or created, or who may have dissented from the resolution or act by which the same was contracted or created, may respectively exonerate themselves from being individually liable, by entering, if present, their dissent on the books of the Bank, at the time the debt may be so contracted, and forthwith give notice of the same to the Comptroller of the State.

Directors individually liable for excess, except, &c.

Credit of State pledged.

Sec. 14. *And be it further enacted*, That the credit of the State of Alabama is hereby pledged for the ultimate redemption and payment of all notes issued and all debts contracted by said Branch Bank.

Remedy against the Bank.

Sec. 15. *And be it further enacted*, That the remedy for collecting debts shall be reciprocal, for and against the said Branch Bank.

Capital, how raised.

Sec. 16. *And be it further enacted*, That the Governor, Comptroller and Treasurer of the State, and President of the Bank of the State of Alabama, be, and they are hereby authorized and required, to issue certificates of State stock, to an amount not exceeding three hundred thousand dollars, to bear interest not exceeding five per centum per annum, payable semi-annually at the Bank of the State of Alabama, or at such other place as may be agreed upon, redeemable at the expiration of twenty years, or at any time thereafter that the State may choose, and sell said stock for cash, provided the same can be disposed of at par; and the sum to be realized shall be applied to, and shall compose the capital of the said Branch of the Bank of the State of Alabama.

Stock to be paid by State, both principal and interest.

Sec. 17. *And be it further enacted*, That to secure the regular and punctual payments of the interest semi-annually, and the

ultimate redemption of said stock, all the revenue of the State (except the University fund, the three per cent. fund, and the fund arising from the sale of the sixteenth sections) shall be, and the same is hereby pledged; and in case of a deficiency, the faith of the State is hereby solemnly pledged to provide such additional means as may be necessary. Approved, January 21, 1832.

AN ACT

To extend the Jurisdiction of the State of Alabama over the Territory according to the Geographical Boundaries within the Limits of said State, and for other Purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the civil and criminal jurisdiction of the State of Alabama be, and the same is hereby extended over all the Indian territory within the State of Alabama. Jurisdiction extended.

Sec. 2. *And be it further enacted,* That the commissioners' courts of revenue and roads, of any county in this State where Indians inhabit any portion of the territory, be, and they are hereby authorized to cause all such roads, bridges and ferries to be established within the territory upon which the Indians may live, as they may think the public good requires. Roads, bridges, and Ferries established.

Sec. 3. *And be it further enacted,* That this act shall not be so construed as to compel Indians to muster, or perform any other military duty, to work on roads, or serve on juries; neither shall any thing in this act be so construed as to authorize the assessment or collection of any tax whatever, from any Indian or person of mixed blood descended of Indians, residing within the limits of the territory claimed by any of the Indian tribes within the chartered limits of this State. Exempt from certain duties.

Sec. 4. *And be it further enacted,* That all Indians or persons of mixed blood descended of Indians, within the limits of the State of Alabama, may, within the county of their residence, have all the privileges of perpetuating testimony, recording wills and bills of sale and conveyances, with the testimony of such persons beforementioned, as white persons have in their respective counties with white testimony. Certain privileges granted.

Sec. 5. *And be it further enacted,* That all white persons living within any portion of the country claimed by Indians, and attached to any county in the State, shall be in all respects governed by the same laws now in force for the government of the whites. White persons living in Indian territory, how governed.

Sec. 6. *And be it further enacted,* That all laws, usages and customs now used, enjoyed or practised, by the Creek and Cherokee nations of Indians, within the limits of this State, contrary to the constitution and laws of this State, be, and the same are hereby abolished. Indian customs abolished.

Sec. 7. *And be it further enacted,* That if any Indian or Indians shall meet in any counsel, assembly, or convention, and there make any law for said tribe, contrary to the laws and constitution of this State, shall, upon conviction, be imprisoned in the common Punishment for enacting laws.

jail of the proper county, not less than two, nor more than four months.

Conventions allowable, and punishment for hindrance.

Sec. 8. *And be it further enacted*, That it shall at all times be lawful for the chiefs and headmen, or any portion of any of the Indian tribes within this State, to meet any agent or commissioner of the United States or this State, for any purpose whatever; and that any person attempting, by persuasion or by force, to prevent such meeting on the part of the Indians, shall, upon conviction thereof, before the circuit court of the county where the offence may be committed, be imprisoned three months.

Proof in suits.

Sec. 9. *And be it further enacted*, That in all cases where suit is brought on contracts hereafter made, to recover money or property from any Indian, the consideration shall be proved by two creditable witnesses.

Punishment in certain cases.

Sec. 10. *And be it further enacted*, That if any person or persons shall confiscate, or attempt to confiscate, the property of any person or persons, in consequence of his or her enrolling for emigration, or offering to enrol, shall, upon conviction, be imprisoned in the common jail of the proper county, not less than two, nor more than four months.

This act to be distributed, how.

Sec. 11. *And be it further enacted*, That it shall be the duty of the Governor of this State, to cause to be printed and distributed two hundred copies of this act, to each of the Indian tribes within the chartered limits of this State.

Act given in charge to grand juries.

Sec. 12. *And be it further enacted*, That it shall be the duty of the judges of the circuit courts, to give this act in charge to the grand juries of those counties to which any portion of the Indian territory is attached.

Sec. 13. *And be it further enacted*, That this act shall take effect from and after its passage.

Contracts in writing for Indian possessions.

Sec. 14. *And be it further enacted*, That contracts freely and voluntarily made, whereby any white man shall purchase an improvement or claim of any Indian, on any of the unceded territory in this State, and shall actually receive possession thereof, the same shall be obligatory on the parties to such contract: *Provided*, the same is made in the presence of one respectable free white person, and reduced to writing, in which shall be specified the terms of such contract; and provided a valuable consideration be paid for such claim.

Approved, January 16, 1832.

AN ACT

To dispose of certain Public Lands, and for other Purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State Alabama in General Assembly convened*,

Commissioners appointed.

That John J. Crocheron, John M'Elroy, Joseph Babcock, William Taylor and Jesse Beene, be appointed commissioners to sell and dispose of the public lands belonging to the State of Alabama, at and near Cahawba.

Sale of lands.

Sec. 2. *And be it further enacted*, That the said commissioners, or a majority of them, are hereby authorized and required to cause to be sold at public sale, on giving three months' pre-

vious notice, all the public lands belonging to the State of Alabama, at and near Cahawba, known as the lands granted to the State of Alabama for the seat of government, and also the Ferries thereunto belonging, excepting that part of said land lying west of the Cahawba and Alabama rivers, which is not laid off into lots, which shall forever remain as a common for the use of said town of Cahawba. What part exempt.

Sec. 3. *And be it further enacted*, That the said commissioners as aforesaid, are hereby required to secure the purchase money of said lands, &c. by notes, at one, two, and three years, with two or more good and sufficient securities. Terms of sale.

Sec. 4. *And be it further enacted*, That the said commissioners, before entering on the discharge of their duties as such, shall take and subscribe an oath, to be filed in the office of the clerk of the county court of Dallas county, that they will faithfully discharge their duties as commissioners under this act. Commissioners to take oath.

Sec. 5. *And be it further enacted*, That should any of the said commissioners aforesaid, die, refuse to qualify or act in any manner, the court of commissioners of roads and revenue for the county of Dallas, are hereby authorized and required at any time to appoint others to fill any vacancy in the said board of commissioners. Vacancies in board, how filled.

Sec. 6. *And be it further enacted*, That the said notes when taken, and the said money when thereon paid, shall be deposited with the treasurer of the county of Dallas, who shall be compellable, should the judge of the county court of said county deem it necessary, to give further security; and the money arising from said sales shall constitute a fund for the relief of purchasers of lots in the town of Cahawba, to be disposed of as hereinafter prescribed. Application of the fund raised.

Sec. 7. *And be it further enacted*, That the said commissioners, as soon as they effect the sale of the land as aforesaid, shall advertise in some paper in Mobile, some paper in Montgomery, and some paper in Dallas, and some paper in Tuscaloosa, for all persons interested therein, to come forward and file their claims, with proper vouchers thereto, in the office of the clerk of the county court, and which claims shall not be receivable after the time of the first payment on said notes for the purchase aforesaid. The manner of notifying claimants.

Sec. 8. *And be it further enacted*, That the judge of the county court of Dallas county, and the commissioners of roads and revenue for said county, shall be a competent court to decide on the claims of said purchasers of lots in the town of Cahawba, and distribute among the said claimants the proceeds of said fund equitably and proportionably, and draw on the treasurer therefor. Who shall decide on claims, and how funds are to be distributed.

Sec. 9. *And be it further enacted*, That the said judge of the county court, shall be allowed the sum of three dollars per day, and the said commissioners of roads and revenue, shall each be allowed the sum of two dollars per day, for the time they may be employed in discharging their duties under this act; and the said commissioners of sale, be allowed the sum of two dollars Compensation to judge and commissioners.

per day, for each day they may be employed in the discharge of their duties under this act; and the clerk of the county court shall be allowed the sum of two dollars for filing each claim and recording the judgement of the court thereon; all of which expenses shall be paid out of said fund, and the said county treasurer shall be allowed the usual per centage for paying and receiving the said money.

When and how patents may issue to purchasers.

Sec. 10. *And be it further enacted*, That the said commissioners are hereby authorized to issue to the purchaser or perchasers of any part of said lands, a certificate of purchase of the said land, or any portion thereof, which, when returned to the Secretary of State's office, with a receipt or receipts from the county treasurer, countersigned by the judge of the county court of said county, showing the full payment of the same, shall entitle the said purchaser or his assignee to a patent to said lot or portion of land, and the Governor of the State is hereby required to cause the same to issue.

Said lands to be surveyed.

Sec. 11. *And be it further enacted*, To enable the said commissioners to carry into effect the provisions of this act more beneficially, they are hereby authorized to cause the said lands east of the Alabama, and the said land lying in the fork of the Alabama and Cahawba rivers, to be surveyed and laid off in lots or parcels as to them may seem best. Approved, January 21, 1832.

AN ACT

To provide for the more speedy Trial of Slaves and Free Persons of Color.

Judge of the city court and magistrates to try certain offences.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the judge of the county court of each and every county in this State, together with two justices of the peace to be associated with him, *or in case there should be no judge of the county court, then any three justices of the peace*, shall constitute a court for the trial of all slaves and free persons of color, charged with any crime or misdemeanor of a higher grade than petit larceny.

The mode of bringing such to trial.

Sec. 2. *And be it further enacted*, That whenever any slave or free person of color, shall be brought before any justice of the peace, charged with the commission of any crime or misdemeanor of a higher grade than petit larceny, if the justice, after examining the witnesses on the part of the prosecutor, shall believe there exists any reasonable or probable grounds of the guilt or criminality of such slave or free person of color, he shall immediately commit him or her to jail, and shall at the same time issue a notice to the judge of the county court of his county, and also to some justice of the peace, which notice shall be served by the sheriff or some constable of the county, informing them of such commitment, and state the time and place of trial, which shall not be less than ten nor more than fifteen days from the date of said notice; and the said justice who shall make the commitment as aforesaid, and the judge of the county court, or if there be no judge of the county court, two justices of the peace, summoned

as aforesaid, shall form a court to try and determine said offence; and it shall be the duty of the magistrate to order the sheriff or coroner of his county to summon twenty-four jurors, to be and appear at the place and time appointed for the trial of said offence, one half of whom shall be slave-holders; and should the judge of the county court, or any justice summoned to attend said trial, fail to attend, any justice of the peace shall forthwith cause to be summoned two justices of the peace to be associated with him in forming said court, and may adjourn from day to day till the business before them is disposed of.

Jury, how formed

Sec. 3. *And be it further enacted*, That out of the number of jurors summoned by the sheriff, there shall be drawn twelve, who shall compose and be a jury for the trial of any one prosecuted under this act: *Provided always*, that the accused shall have and enjoy the right of twelve peremptory challenges, and the State shall have the right of four peremptory challenges; and if the original pannel should be exhausted by challenge or otherwise, so that a sufficient number be not left to compose a jury, the court shall order the sheriff to summon a sufficient number of talismen from the by-standers for that purpose.

Challenges by accused & State.

Solicitor to make a statement, in lieu of indictment.

Sec. 4. *And be it further enacted*, That in all trials had under this act, it shall be sufficient for the solicitor, or the counsel appointed by the court, to prosecute, to write out a brief statement of the nature of the crime or misdemeanor charged against the defendant, and sign his name thereto, and no indictment or presentment shall be necessary.

Attorneys to prosecute and defend.

Their compensation, and how paid.

Sec. 5. *And be it further enacted*, That if at any court held under this act, the solicitor of the circuit should not be present, the court shall appoint counsel to prosecute, whose fee amounting to the sum of ten dollars, shall be paid by the State. And if the owner of any slave prosecuted under this act, shall not employ counsel to defend such slave, it shall be the duty of said court, to appoint counsel for that purpose, whose fee, amounting to the sum of ten dollars, shall be paid by the owner of said slave; and if any free person of color prosecuted under this act, shall be unable to employ counsel to defend him or her, it shall be the duty of the court to appoint counsel for this purpose, whose fee, amounting to the sum of ten dollars, shall be paid out of the county treasury.

Subpœnas, &c. issued by clerk.

Sec. 6. *And be it further enacted*, That it shall be the duty of the clerk to issue all subpœnas or other legal process, as well for the defendant as the State, all of which shall be executed by the sheriff; and the said clerk and sheriff shall receive the same fees therefor, as now provided by law for similar services, and none other.

Sentence to punishment, & mode of execution.

Sec. 7. *And be it further enacted*, That if any slave or free person of color shall be found guilty under this act, it shall be the duty of the court to pronounce sentence in the manner now prescribed by law, which sentence shall be carried into execution by the sheriff: *Provided always*, that if any slave or free person of

color, shall be found guilty of any capital crime, there shall not be less than five nor more than ten days, between the day of passing sentence and the day of execution, except in cases of conspiracy, insurrection or rebellion, when the sentence of the court may be executed forthwith.

Repealing clause.

Sec. 8. *And be it further enacted,* That all acts contrary to the provisions of this act, be, and the same are hereby repealed.

Approved, January 7, 1832.

AN ACT

To prevent the Introduction of Slaves into Alabama, and for other Purposes.

What persons shall be allowed to bring slaves into the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in Gene al Assembly convened,* That from and after the passage of this act, it shall not be lawful for any slave or slaves to be imported, introduced, or brought into this State, except by the following described persons, that is to say: emigrants to this State, who shall be permitted to bring with them such slaves as are *bona fide* their own property, and for their own use; guardians, who are citizens of this State, and whose wards reside in this State, who shall be permitted to bring and introduce into this State such slaves as are *bona fide* the property of their wards; executors and administrators, whose testator or intestate was at the time of his death a resident citizen of this State, who shall be permitted to bring and introduce into this State such slaves as were the *bona fide* property of their testator or intestate at the time of his death, and the possession of which they are entitled in their representative capacity; heirs, who are resident citizens of this State, to whom any slaves may have lawfully descended, or may hereafter lawfully descend; legatees, who are resident citizens of this State, to whom any slave may have been, or may hereafter be *bona fide* given or bequeathed by last will and testament, after the death of the testator; legal distributees of any estate of any deceased person, who are resident citizens of this State, and who may acquire as such any slaves either by purchase or division; husbands, who are resident citizens of this State, and who may *bona fide* acquire by marriage, any slaves, being the property of their wives at the time of their marriage, or such as may be given to their wives in consequence of their marriage.

Emigrants, how to proceed upon bringing slaves into this State.

Sec. 2. *And be it further enacted,* That all persons emigrating to this State, after the passage of this act, and bringing with them any slaves, shall, within ten days after their arrival in the county in which they intend to reside, and within thirty days after their arrival with said slaves within the limits of this State, make out and file in the office of the clerk of the county court of said county, an account or statement of all slaves so brought with them, designating the name and sex, and as nearly as may be, the age, size, and color of each, and at the same time take and subscribe before the clerk of said court, an oath of the truth of said account or statement; and that said slaves, at the time of

their introduction into this State, were *bona fide* their property, and that they brought them with them for their own use, and not for the purpose of sale, hire, or traffic, and that they will not sell, hire, or mortgage them to any citizen of this State, or to any one within the limits of this State, for the space of three years from the date of said oath; and all guardians bringing into this State, any slaves, the property of their wards, shall, within thirty days after their arrival in this State, make and subscribe a return of the same on oath to the orphans court of the county in which letters of guardianship were granted, describing said slaves in the same manner required by emigrants, and that they were at the time of their introduction into this State *bona fide* the property of their wards; and every executor or administrator bringing into this State any slaves, the property of their testator or intestate, shall, within thirty days after their arrival in this State, make the same return of them as is required of guardians by this act, and that such slaves were the *bona fide* property of their testator or intestate; and all heirs, legatees, distributees, or husbands, bringing any slaves into this State, shall, within thirty days after their arrival within this State, make out and file in the office of the clerk of the county court of the county of the residence of every such heir, legatee, distributee, or husband, an account or statement of said slaves, on oath, in the same manner required of emigrants by this act, and that said slaves were *bona fide* acquired by them as such heir, legatee, distributee, or husband, as the case may be, and that they will not sell, hire, or mortgage said slaves for the space of three years from the date of said oath, to any citizen of this State, nor to any one within this State.

No emigrant, &c to sell, hire, &c. except, &c.

Sec. 3. *And be it further enacted*, That no emigrant, heir, legatee, distributee, or husband, who may introduce any slaves into this State, under this act, shall be permitted to sell, hire, mortgage, loan, or otherwise dispose of any such slave within this State, except by deed of gift or loan to a child or children, grand child or grand children, for the space of three years and one month from their introduction into this State; and no child or children, grand child or grand children, shall sell, hire, mortgage, or otherwise dispose of any such slaves so given to them, until the expiration of the said term of three years and one month: *Provided always*, that on the death of any one lawfully owning and possessing any slaves introduced under the provisions of this act, they shall be liable to be sold, disposed of, distributed or divided, in the same manner now permitted by law, and shall not afterwards, so long as they remain in this State, be subject to the provisions of this act.

Proviso.

Penalties and forfeitures by emigrants, for failure to comply.

Sec. 4. *And be it further enacted*, That if any emigrant, guardian, executor or administrator, heir, legatee, distributee, or husband, shall fail or neglect to make return within the time and in the manner required by this act, of any slave or slaves introduced or brought into this State by them, under the provisions of this act, every such emigrant, guardian, executor or admi-

nistrator, heir, legatee, distributee, or husband, shall be liable to be indicted for each and every slave so introduced and failed to be returned; and on conviction, shall be fined in the sum of two hundred dollars, one half to the use of the State and the other half to the use of the informer, and shall be imprisoned until the fine and costs are paid, or discharged by due course of law. And if any slave or slaves shall, under color of this act, be brought or introduced into this State, by any emigrant, guardian, executor or administrator, heir, legatee, distributee or husband, with intent to evade the provisions of this act, every such slave or slaves, shall be forfeited, and may be recovered, or the value thereof, by action of trover or detinue, from any person or persons having possession of any such slave or slaves, by any one who will sue for the same, one half to the use of the person so suing, and the other half to the use of the State. And the person or persons so introducing or bringing any such slave or slaves into this State, shall moreover be liable to be indicted for every slave so introduced or brought into this State; and on conviction, shall be fined in the sum of two hundred and fifty dollars, one half to the use of the State and the other half to the use of the informer, and shall be imprisoned for the term of three months, and until the fines and costs are paid.

Penalties and forfeitures upon citizens importing slaves.

Sec. 5. *And be it further enacted*, That if any person or persons not mentioned in the first section of this act, shall introduce, import, or bring into this State, any slave or slaves, he, she, or they shall be deemed guilty of a high misdemeanor; and on conviction thereof by indictment, shall be fined in the sum of two hundred and fifty dollars, one half to the use of the State and the other half to the use of the informer, and shall be imprisoned for the term of three months, and until the fine and costs are paid; and every such slave or slaves, so introduced or brought into this State contrary to the provisions of this act, shall be forfeited, and they or their value may be recovered from any one in whose possession they may be found, by action of trover or detinue, by any one who will sue for the same, one half to the use of the State and the other half to the use of the person suing therefor: *Provided always*, that nothing contained in this act shall be so construed as to apply to any slave or slaves coming in and departing from this State with any traveller, nor to the slaves of any citizen of this State who, before the passage of this act, were removed out of the limits of this State for a temporary purpose, or who may hereafter be taken or removed out of this State for a temporary purpose: *And provided also*, that any citizen of this State who has any slave or slaves now on the road to this State, may introduce the same under the same regulations and restrictions as emigrants under this act: *Provided*, that this act shall not be so construed as to prohibit any citizen of this State from purchasing and bringing into the same, any slave or slaves, for his, her, or their own use, subject always to the other provisions of this act: *And provided further*, that if any

Proviso.

Further proviso.

Further proviso.

person intending to emigrate to this State, or any person or persons now owning, or who may hereafter purchase lands in this State, for the purpose of settlement and cultivation, and shall introduce or bring into this State any slave or slaves for such object or purpose, under the care or charge of an overseer or agent, such overseer or agent shall be, and he is hereby permitted and authorized to make the same return required of emigrants under the second section of this act, of any slaves so introduced; and all slaves so introduced, and the persons so introducing them, shall be subject to all the other provisions and penalties of this act applicable thereto.

Slaves introduced prior to this law, and not yet so, to be removed, &c.

Sec. 6. *And be it further enacted*, That the owner of any slaves who have been introduced into the State for sale, within thirty days prior to the passage of the present act, and not now sold, and that shall not be sold or removed beyond the limits of this State, in thirty days after the said passage, shall forfeit and pay to the clerk of the circuit court of the county within which such slaves may be found, for the use and benefit of said county, a sum not less than ten dollars and not more than twenty dollars for each and every slave so remaining; and for each and every day said slave may remain thereafter, to be recovered before any magistrate or any court having jurisdiction of the same; and that persons subject to the penalties of this act may be held to bail; and should the person or persons so offending, leave this State or otherwise avoid the process of the law, said slave or slaves shall be forfeited to the State.

Forfeiture for attempts to evade this law.

Sec. 7. *And be it further enacted*, That if any contract of any kind be made or entered into for the purpose of evading the provisions of the fifth section of this act, the parties to such sale or contract shall be liable to all the pains and penalties imposed by the said section of this act, and the said slave shall be forfeited, and may be recovered in the same manner as therein provided.

Attorney General and Solicitors to prosecute.

Sec. 8. *And be it further enacted*, That the attorney general and the solicitors in the several judicial circuits in this State, shall prosecute in the name of the State, for all breaches, violations, and evasions of this law, when the person guilty thereof is liable to be indicted, which may be properly cognizable before the circuit courts; and in every prosecution so instituted, the prosecuting attorney shall be entitled to the following compensation: in case of conviction, he shall be entitled to ten dollars for each slave embraced in said proceedings or prosecution, to be taxed with the costs.

Their compensation.

Free persons of color, penalties in certain cases for settling in this State.

Sec. 9. *And be it further enacted*, That from and after the first day of January next, it shall not be lawful for any free person of color to settle within the limits of this State; and should any free person of color, after that time, settle in this State, he, she, or they shall, on notice of this act, depart within thirty days, or shall be liable, on conviction before any justice of the peace, to receive thirty-nine lashes; and any person may arrest any such free person of color, and take him or her before any justice of the

peace for trial; and if any such free person of color shall not depart this State within twenty days after the infliction of the punishment last mentioned, he or she shall be liable to be arrested by any person, and be taken before a justice of the peace for trial, and on conviction by such justice, shall be ordered to be sold as a slave for the term of one year for ready money, ten days notice being given of the time of sale, one half of which, after paying all the expenses of the prosecution, (which shall be to the justice one dollar, the constable two dollars for summoning the witnesses attending the trial, and selling the said free person of color, and fifty cents a day for each day he may keep such free person of color, and fifty cents per day for each witness who may attend the trial,) shall be paid to the informer and the other half to the State; and if any free person of color shall not depart this State within twenty days after the expiration of said year, he or she shall forfeit his or her freedom; and upon conviction thereof before any circuit court of this State, shall, by order of said court, be sold to the highest bidder, and that the proceeds of the sale of said free negro so forfeiting his or her freedom, shall go, one half to the informer and the other half to the State.

Penalty for teaching any slave or free person of color.

Sec. 10. *And be it further enacted*, That any person or persons who shall endeavor or attempt to teach any free person of color, or slave, to spell, read, or write, shall, upon conviction thereof by indictment, be fined in a sum not less than two hundred and fifty dollars nor more than five hundred dollars.

Penalty against free person of color for writing pass for slave.

Sec. 11. *And be it further enacted*, That if any free person of color shall write for any slave, a pass or free paper, on conviction thereof, shall receive for every such offence, thirty-nine lashes on the bare back, and leave the State of Alabama within thirty days thereafter; and should he, she or they again return to the State of Alabama, or be found within the same after the time above limited for his, her, or their departure, on conviction of violating this provision of the law, shall forfeit his or her liberty, and be sold as a slave for the term of ten years, by order of any two justices of the peace, before whom he or she may be taken and convicted, ten days previous notice being given of the time and place of sale, one half of the proceeds of said sale, after paying one dollar each to said justices, and two dollars to the constable for attending the trial, and selling said free person of color, together with all other costs that may accrue, shall be paid to the use of the informer and the other half to the use of the State.

Penalty against slave for writing pass for slave.

Sec. 12. *And be it further enacted*, That if any slave shall write for any other slave, any pass or free paper, upon conviction, shall receive on his or her bare back, fifty lashes for the first offence, and one hundred for every offence thereafter, by order of any justice of the peace before whom he or she may be convicted; and on every conviction, the owner of said slave shall pay one dollar to the justice of the peace, and two dollars to the constable for attending the trial and whipping the slave, together with all other costs that may lawfully accrue; and any person may arrest any

slave so offending, and take him or her before any justice of the peace for trial.

Penalty for publishing seditious pamphlets, &c.

Sec. 13. *And be it further enacted*, That should any person distribute, circulate or publish, or cause to be distributed, circulated or published, any seditious papers, pamphlets or writing, tending to produce conspiracy or insurrection or rebellion among the slaves or colored population, upon conviction thereof, shall suffer death.

Trading with slaves by free persons of color restricted. The penalty.

Sec. 14. *And be it further enacted*, That if any free negro or person of color shall buy of any slave, or sell to any slave, any article or commodity whatsoever, without a written permission from the master, owner or overseer of said slave, designating the article so to be bought or sold, said free negro or person of color, upon conviction thereof before any magistrate of the county where such offence shall be committed, shall receive on his or her bare back, thirty-nine lashes well laid on.

Free persons of color prohibited from associating with slaves The penalty.

Sec. 15. *And be it further enacted*, That if any free negro or person of color shall be found in company with any slaves in any kitchen, out-house or negro-quarter, without a written permission from the owner, master or overseer of said slaves, said free negro or person of color shall, for the first offence, receive fifteen lashes, and for every subsequent offence, thirty-nine lashes, on his or her bare back, which may be inflicted by said master, owner or overseer, or by any officer or member of any patrol company who may find said free negro or person of color, in any kitchen, out-house or negro-quarter, associating with slaves without such written permission.

Slaves prohibited from associating with free persons of color. The penalty.

Sec. 16. *And be it further enacted*, That if any slave, without a written permission of the master, owner or overseer of said slave, shall be found in company with a free negro or person of color, in the dwelling house or out-house of said free negro or person of color, said free negro or person of color shall receive the same punishment, in the same manner, as is prescribed by the provisions of the eighteenth section of this act.

Assemblages of slaves prohibited.

Sec. 17. *And be it further enacted*, That hereafter it shall not be lawful for more than five male slaves, either with or without passes, to assemble together at any place off the proper plantation to which they belong; and if any slaves do so assemble together, the same shall be deemed and considered as an unlawful assembly.

Duty of officers to disperse slaves. The punishment.

Sec. 18. *And be it further enacted*, That it shall be the duty of all patrols and officers, civil and military, forthwith, to cause said slaves, so assembled, to disperse; and each of said slaves so assembled, shall be liable to receive any number of lashes not exceeding ten: and any slave which may once be punished for attending such unlawful assembly, who shall again offend herein, shall be liable to be punished at the discretion of any magistrate before whom he may be carried for trial, by stripes not exceeding thirty-nine.

Sec. 19. *And be it further enacted*, That the provisions of this act, shall not apply to any assemblage of slaves attended by the master, owner or overseer of such slaves.

Treatment of slaves, by slaveholders.

Sec. 20. *And be it further enacted*, That it shall be the duty of all slaveholders, to feed and clothe their slaves with a sufficiency of food and clothing for their comfort; and if any slaveholder shall neglect or refuse to feed and clothe their slaves, such slaveholder shall be subject to indictment, and on conviction of such neglect or refusal, to be judged of by the jury trying the same, such slaveholder shall be fined any sum in the discretion of the jury, not exceeding five hundred dollars.

This act to be given in charge to grand juries.

Sec. 21. *And be it further enacted*, That it shall be the duty of the judges of the circuit courts, to give this act in charge to the grand juries, at the opening of each and every session.

Sec. 22. *And be it further enacted*, That nothing in this act shall be so construed, as to prevent free persons of color and slaves from attending places of public worship held by white persons.

Sec. 23. *And be it further enacted*, That nothing in the provisions of the twentieth section of this act shall be so construed, as to debar the master or owner of slaves sending to his neighbor or neighbors any slave or slaves unaccompanied by master, owner or overseer, for the purpose of assisting him to labor.

Slaves prevented from preaching, except, &c.

Sec. 24. *And be it further enacted*, That if any slave or free person of color shall hereafter preach to, exhort, or harangue any slave or slaves, or free persons of color, unless in the presence of five respectable slaveholders, any such slave or free person of color, so offending, shall, on conviction before any justice of the peace, receive, by order of said justice of the peace, thirty-nine lashes for the first offence, and fifty lashes for every offence thereafter; and any person may arrest any such slave or free person of color, and take him before a justice of the peace for trial: *Provided*, that the negroes so haranguing or preaching, shall be licensed thereto by some regular body of professing Christians immediately in the neighborhood, and to whose society or church such negro shall properly belong.

Approved, January 16, 1832.

AN ACT

To alter and amend in part an Act entitled an Act to prevent the Introduction of Slaves into the State of Alabama, and for other Purposes, approved January 16, 1832.

Section. 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the ninth section of the aforesaid act shall go into operation, and be in force, from and after the first day of February next, instead of the first day of January next.

Sec. 2. *And be it further enacted*, That the twenty-third section of said bill, where it refers to the twentieth section, shall be so read as to refer to the seventeenth section of said bill.

Approved, January 20, 1832.

AN ACT

To organize a separate Supreme Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the supreme court for this State, (both in law and equity,) shall hereafter be held by, and the powers of the same shall be vested in, and its duties shall be performed by, three judges, to be elected by joint vote of both Houses of the General Assembly, who shall be styled "Judges of the Supreme Court of Alabama," and shall hold their office for and during the term of six years from their appointment. Supreme Court, how constituted.

Sec. 2. *And be it further enacted,* That the said judges, or a majority of them, shall continue to hold the sessions of the said court, from day to day, (Sundays excepted,) until the business thereof be completed; and shall at their first session, appoint one of their own body "Chief Justice of the Supreme Court," which appointment shall be entered of record: and in case of his absence at any succeeding time, one of the judges present shall be appointed "Chief Justice *pro tempore*," and all orders of the court shall be signed by him: *Provided always,* that one judge, or if no judge appears, the sheriff, may adjourn the court from day to day, until a sufficient number appear to constitute a court, if that shall be before the sixth day of the term, at which time, if a sufficient number of judges cannot appear to form a court, the judge or sheriff, as the case may be, shall adjourn the court to the next stated term, to which term all cases shall stand continued. How conducted.

Sec. 3. *And be it further enacted,* That the said judges shall, before they enter upon the discharge of the duties of their office, take and subscribe the several oaths now required by law to be taken by the various officers of this State, which oaths so taken and subscribed shall be filed in the Secretary of State's office. Oaths of office.

Sec. 4. *And be it further enacted,* That the said judges shall receive for their services, an annual salary of seventeen hundred and fifty dollars each, to be paid them quarteryearly. Salary of the Judges.

Sec. 5. *And be it further enacted,* That the present clerk of the Supreme Court, shall continue in office until the expiration of the term for which he was elected; after which time the said judges of the supreme court shall have the appointment thereof. Duration of Clerk's office. His appointment.

Approved, January 14, 1832.

AN ACT

Supplementary to an act entitled An Act to organize a separate Supreme Court, passed 14th January, 1832.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the terms of the supreme court of this State, shall be holden at the times heretofore designated by law. Supreme Court, when held.

Sec. 2. *And be it further enacted,* That the judges of the supreme court, elected at the present session of the Legislature, be, and they are hereby authorized and required to organize said supreme court forthwith, and proceed to the determination of causes without delay. Its organization.

Approved, January 17, 1832.

AN ACT

To provide for the Payment of the Reporter of the Decisions of the Supreme Court, for reporting the Decisions of 1829 and 1830.

Appropriation to Reporter of the Supreme Court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of sixteen hundred dollars be, and the same is hereby appropriated for the payment of the reporter of the decisions of the supreme court, for reporting the decisions made in the years 1829 and 1830, to be paid out of any moneys in the treasury not otherwise appropriated. Approved, January 21, 1832.

AN ACT

To amend the several Acts in relation to the Compensation of Petit Jurors in the County of St Clair.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

Writs brought in either court of St Clair, not tried by jury, to be taxed $1.

That hereafter, on all writs brought in the circuit and county courts in said county, which are not tried by jury, it shall be the duty of the clerk to tax in the bill of costs in each case, the sum of one dollar, which shall be collected with other costs, and of the party against whom the same are adjudged; and in all criminal cases where the defendant is convicted, the same sum shall be recovered and collected against him or her as aforesaid: and it shall be the duty of the officer collecting said tax, forthwith to pay it over to the county treasurer of his county; and the county

Fund to be kept for petit jurors of circuit court.

treasurer shall keep said fund distinct from all other moneys, for the sole purpose of paying the petit jurors of the circuit court of his said county.

Plaintiff, or successful party, to pay jury $2.

Sec. 2. *And be it further enacted,* That so much of an act entitled "An act to provide for the payment of petit jurors in the counties therein named, and for other purposes," as requires the plaintiff or successful party, to pay the jury two dollars at the time of rendering their verdict, &c. shall remain in full force, so far as it relates to the county of St Clair.

Pay to petit jurors.

Sec. 3. *And be it further enacted,* That each petit juror of the circuit court of said county, shall be entitled to receive, out of the fund raised by this act, the sum of one dollar for each day he shall serve as a juror; and the sums which shall be paid the jury by the plaintiff or successful party, according to the second section of the foregoing act, shall be counted as a part of their per diem pay, so that no juror shall receive more than one dollar per day. Approved, January 5, 1832.

AN ACT

Concerning the Registration of Deeds and Conveyances.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,*

Time extended for the recording of deeds not heretofore recorded.

That it shall be lawful for any person or persons who have failed to have deeds and conveyances of real or personal estate recorded within the time prescribed by law, to have the same recorded within one year after the passage of this act: *Provided,*

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that such registration shall not effect the rights of creditors and purchasers which have heretofore vested. Approved, Jan. 18, 1832.

AN ACT

To provide for Digesting the Laws of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there shall be elected by joint vote of both Houses of this General Assembly, a suitable person, whose duty it shall be to compile, under appropriate heads, all the statute laws of a public and general nature, now in force in the State of Alabama; and shall provide a proper index with marginal notes to such digest. Digester of the laws to be elected, His duties.

Sec. 2. *And be it further enacted*, That it shall be the duty of said Digester, to lay before three persons to be appointed by joint vote of both Houses of the General Assembly, one month before the next session thereof, a manuscript of the digest of laws made as aforesaid, who shall have power to decide upon the correctness with which he has performed his duty; and if it appear that he has faithfully performed his duty, he shall receive such compensation as the Legislature may allow, not less than sixteen hundred dollars. Commissioners to be appointed to examine manuscript. Digester's compensation.

Sec. 3. *And be it further enacted*, That the persons so appointed to examine said digest, shall make their report to the next session of the General Assembly, within the first week thereof, of the manner in which the same has been done. Commissioners to report to General Assembly.

Sec. 4. *And be it further enacted*, That said commissioners shall receive, each, the sum of five dollars per day, for every day they may be engaged in examining said digest, and reporting thereon; and the sum of two dollars and fifty cents for every thirty miles they may travel in coming to or returning from the town of Tuscaloosa, (where said examination shall be made,) to the county of their respective residence. Compensation.

Approved, January 20, 1832.

AN ACT

Amendatory to an Act entitled an Act supplementary to the Laws respecting Garnishment, approved December 17, 1823.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all the provisions of the beforerecited act, shall be applicable to justices of the peace as well as clerks of the circuit and county courts. Justices of Peace, in reference to garnishment.

Sec. 2. *And be it further enacted*, That when it shall be necessary for justices of the peace to issue a summon or summons, to garnishee or garnishees, for any sum or sums under the jurisdiction of a justice of the peace, it shall be lawful for such justice issuing such summon or summons, to make it returnable before him or some other justice of the peace, at some certain place and day, not less than ten nor more than thirty days from the issuance of the same. Sommons to garnishee by Justice of the Peace, how and when returnable.

Sec. 3. *And be it further enacted*, That no garnishee or garnishees whatever, shall be liable, or be condemned or adjudged to pay any costs, but after summons and default by such garnishee or garnishees. Garnishee, when liable to cost.

Approved, January 4, 1832.

AN ACT

To increase the Number of Jurors to attend the Circuit Courts in the County of Wilcox.

Clerk and sheriff of Wilcox to draw twelve additional jurors to attend circuit court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the clerk and sheriff of the county of Wilcox, to draw and summons the names of twelve persons, in addition to the number now precribed by law to be drawn as jurors, to attend the circuit court for said county, in the same manner and under the same rules and regulations as is now prescribed by law for the summoning of jurors to attend the several circuit courts in the several counties of the State.

Compensation.

Sec. 2. *And be it further enacted,* That when such persons shall be so drawn and summoned, they shall be entitled to receive the same compensation as is now allowed by law to jurors for like services.

Approved, January 21, 1832.

AN ACT

Relating to the alternating of the Judges of the Circuit Courts of this State.

Alternating acts repealed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all acts now in force in relation to the alternating of the judges of the circuit courts of the several circuits of this State, be, and the same are hereby repealed.

Act of 1819, as far as relates to alternating of Judges, revived.

Sec. 2. *And be it further enacted,* That so much of the eighth section of an act entitled "An act to regulate the proceedings in the courts of law and equity in this State," passed December 14, 1819, as relates to the alternating of the judges of the circuit courts of the several circuits of this State, be, and the same is hereby revived and continued in force.

Supreme Court, when to be held.

Sec. 3. *And be it further enacted,* That within three days after the judges of the supreme court shall have been elected, it shall be their duty to open said court, and proceed with the business thereof; and said court shall hereafter commence on the first Mondays in January and June in each year, any law to the contrary notwithstanding.

Salary of the circuitcourt judges.

Sec. 4. *And be it further enacted,* That the judges of the circuit courts of this State hereafter to be elected, shall receive each an annual salary of fifteen hundred dollars, to be paid quarteryearly as heretofore; and hereafter there shall be elected but six judges, and the circuits shall be arranged accordingly.

Approved, January 21, 1832.

AN ACT

To amend an Act entitled An Act for the better Regulation of Judicial Proceedings, passed February 7, 1818, and for other Purposes.

Plaintiff in attachment, when to file pleadings.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall not be required of the plaintiff, in any suit by attachment, founded upon a cause of action not due, to file his pleadings before the first term of the court, after such cause of action falls due, and the same may be dated as of the term when filed.

Approved, January 5, 1832

AN ACT

For the Relief of certain Occupants of Lands in the Counties therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Register and Receiver of the Land Office at Courtland, are hereby authorized to permit occupants, who entered land in the counties of Morgan and Madison, before the passage of the act to reduce the price of the public lands in the counties aforesaid, to the price of like lands in other counties, to pay for the occupancies they may have entered, at the prices assessed by commissioners appointed by virtue of the last recited act.

Register's and Receiver's duty in relation to occupants in Morgan and Madison.

Sec. 2. *And be it further enacted,* That payments made by occupants before the passage of the act approved 13th January, 1830, shall be allowed and credited as payments made under the valuation authorized by virtue of the act passed and approved 15th January, 1830.

Payments made by occupants prior to 15th June 1830.

Sec. 3. *And be it further enacted,* That whenever satisfactory proof shall be made to the Register of the Land Office at Courtland, that any errors have been committed in transcribing any of the books, of the commissioners appointed to value the lands granted to the State of Alabama, for the purpose of internal improvement, it shall be, and is hereby made his duty to correct such error or errors, according to the true valuation thereof.

Register to correct certain errors.

Sec. 4. *And be it further enacted,* That if any person or persons, have entered any land to which an erroneous price was fixed in any of said transcripts, it shall be the duty of said register to apply any excess that may have been paid thereon, to the credit of such person or persons, on the payment first to become due for such land so entered by him or them. Approved, January 5, 1832.

Errors in price to be credited.

AN ACT

To regulate the Time of holding the County Court of Greene County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the summer term of the county court of Greene county, shall be held on the first Monday of July in each and every year, and may continue in session six judicial days.

Summer term of Greene county Court, when held.

Sec. 2. *And be it further enacted,* That all causes now depending in said court, shall be continued accordingly; and all process returnable to the June term of said court, as now provided by law, shall be returnable to the first Monday in July, any law to the contrary notwithstanding. Approved, January 21, 1832.

Process.

AN ACT

To repeal an act entitled An Act to establish a Board of Internal Improvement for the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled "an act to establish a Board of Internal Improvement for the State of Alabama," approved 15th January, 1830, shall be, and the same is hereby repealed.

Repeal.

Approved, January 21, 1832.

AN ACT

To change the Time of holding the Circuit Courts in the Second Judicial Circuit.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the spring terms of the second judicial circuit shall be holden at the following times, to wit: In the county of Dallas, on the fourth Monday of March, and may continue in session twelve judicial days each term; in the county of Lowndes, on the second Monday after the fourth Monday in March, and may continue in session six judicial days; in the county of Autauga, on the third Monday after the fourth Monday in March, and may continue in session six judicial days; in the county of Bibb, on the fourth Monday after the fourth Monday in March, and may continue in session six judicial days; in the county of Perry, on the fifth Monday after the fourth Monday in March, and may continue in session six judicial days; in the county of Wilcox, on the sixth Monday after the fourth Monday in March, and may continue in session until the business is disposed of.

Spring term in Dallas, when held.

Lowndes.

Autauga.

Bibb.

Perry.

Wilcox.

Sec. 2. *And be it further enacted,* That the fall terms of the second judicial circuit shall be holden as follows, to wit: In the county of Dallas, on the third Monday in September in each year, and may continue in session twelve judicial days; in the county of Lowndes, on the second Monday after the third Monday in September in each year, and may continue in session six judicial days; in the county of Autauga, on the third Monday after the third Monday in September, and may continue in session six judicial days; in the county of Bibb, on the fourth Monday after the third Monday in September, and may continue six judicial days; in the county of Perry, on the fifth Monday after the third Monday in September, and may continue in session six judicial days; in the county of Wilcox, on the sixth Monday after the third Monday in September, and may continue in session until the business is disposed of.

Fall term in Dallas.

Lowndes.

Autauga.

Bibb.

Perry.

Wilcox.

Sec. 3. *And be it further enacted,* That all writs, or other process which have or may issue, returnable to the terms as heretofore established, shall be returned to the terms as established by this act.

Approved, January 20, 1832.

AN ACT

To repeal in part an Act entitled an Act to enable the State of Alabama to sell and dispose of certain Lands therein named, approved 20th January, 1829.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the twelfth section of the above recited act, as requires all applicants to file with the register, his or her affidavit, to be preserved by the register, setting forth that the land applied for is for his or her own use, and not for the purpose of speculation, or for the use of another, be, and the same is hereby repealed.

Oath that application is not for speculation, not required.

Sec. 2. *And be it further enacted,* That all acts and parts of acts contravening the provisions of this act, are hereby repealed.

Approved, January 21, 1832.

AN ACT

To amend an Act to authorize the Sales of Sixteenth Sections, and for other Purposes, passed January 15, 1828.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the commissioners of the sixteenth sections, acting under the above recited act, annually to report to the judge of the county court of their proper county, the amounts of money received and on hand, the amount disposed of, and to what purposes, together with such other matters in relation to their duties as they may deem necessary, or the judge may require, which report shall be filed in the county clerk's office, and be by him duly recorded in a book to be kept for that purpose.

Commissioners of 16th Section to report the amount of money to Judge of County Court.

Report to be filed and recorded.

Sec. 2. *And be it further enacted*, That when the citizens in any township have elected to sell the sixteenth section, and partial sales only have been effected, the commissioners shall not be required to pay over to the bank, any sum or sums of money which may accrue from the rent or rents of such tracts as have remained unsold, but the same shall be disposed of in the manner prescribed by law in cases where the sixteenth section have not been offered for sale.

Where partial sales have been made.

Sec. 3. *And be it further enacted*, That should the commissioners of any sixteenth section, fail or refuse to report to the judge according to the provisions of the first section of this act, on or before the first Monday in April in each and every year, it shall be the duty of the judge to notify them in writing to appear before him at such time as he shall therein designate, to file said report; and should the said commissioners fail or refuse to obey the requisitions of such notice, the said judge shall in that case have power to cause them or either of them, to be brought before him by attachment, as in other cases for contempt.

Penalty for failing to report.

Sec. 4. And whereas, doubts are entertained whether assignees of the purchasers of sixteenth section lands, are entitled to patents in their own names on full payment being made therefor, for remedy whereof: *Be it enacted*, That the assignee or assignees of any certificate of purchase of any sixteenth section lands, whether heretefore or hereafter made, shall be entitled to a patent for the same in his, her or their own names, in the same manner that original purchasers are: *Provided always*, that every such assignment shall be acknowledged before some justice of the peace, and certified by him.

Assignees entitled to patents.

Proviso.

Sec. 5. *And be it further enacted*, That the school commissioners of the sixteenth section of township six and range nine, in the county of Conecuh, be, and they are hereby required to divide the fund arising from the interest on the fund arising from the sale of said sixteenth section, equally amongst all the scholars who may go to school in said township, whether they go to a sixteenth section school or not, to be paid and allowed to the parents or guardians of such scholars, on the certificate of the teacher to whom they may respectively be sent.

Commissioners of 16th Section, Towns. 6, Ran. 9, in Conecuh, to divide the interest arising from sales

Commissioners' duty where there is no school.

Sec. 6. *And be it further enacted*, That where there is no school situated in any township in this State, or where there may not be scholars enough to constitute a school in any township, it shall be the duty of the school commissioners of such township, to apply the interest arising from the sale, or the moneys arising from the rent of their sixteenth section annually, to the education of the scholars of such township in equal proportion, at any other school not situated in such township, which shall be paid to the parent or guardian, upon the certificate of the teacher of such child or children. Approved, January 18, 1832.

AN ACT

To change the Time of holding the County Courts of Madison and Lauderdale Counties.

Madison county Court, when held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the county courts of Madison county, for the trial of civil causes, shall be holden on the third Mondays in February and August in each and every year, and said courts shall continue in session twelve judicial days at each term, should the business of said court require the same.

Process.

Sec. 2. *And be it further enacted*, That all writs and other process which have been issued or may hereafter be issued, returnable to said court on the second Monday in February next, shall be deemed in law returnable to said court on the third Monday in February.

Lauderdale County Court, when held.

Sec. 3. *And be it further enacted*, That the terms of the county court of Lauderdale county, for the trial of civil suits, be changed to the first Mondays in the months of June and December. Approved, January 13, 1832.

AN ACT

To provide for the Payment of the Land Commissioners for certain Services rendered the State.

Compensation to Land Commissioners.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the land commissioners be allowed the sum of four dollars per day each, while employed in selecting lands, and four dollars for every thirty miles' travelling to and from Courtland, in obedience to the call of his Excellency the Acting-Governor, to be paid out of the canal funds, and that the Comptroller of Public Accounts issue his warrants accordingly: *Provided*, that the register of the land office at Courtland shall certify the accounts of said commissioners are correct. Approved, January 21, 1832.

AN ACT

To change the Times of holding the County Courts of Clarke County.

Clarke County Court, when held.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the county courts of Clarke county, shall hereafter be holden on the second Mondays in February and August annually, instead of the times heretofore established by law.

Approved, December 15, 1831.

AN ACT

To limit Actions against Securities of Officers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That no action, suit or motion, shall be maintained against the security or securities of any sheriff, constable or other public officer of this State, for any misfeasance, malfeasance, or other cause whatsoever, hereafter committed, unless the same be commenced and prosecuted within six years next after the commission of the act complained of; or if the claim be in favor of an infant or person *non compos mentis*, or other person disabled by law from bringing suit, then within three years after such disability to sue shall cease to exist: *Provided*, that this limitation shall not be extended or applied to any action, suit or motion which may be maintained by law, against such officer, his executors, administrators or heirs: *And provided further*, that nothing in this act shall be so construed as to have a retrospective operation upon suits now pending.

Actions against securities of officers limited to six years.

Except in favor of infants, &c.

Proviso.

Sec. 2. *And be it further enacted*, That for any misfeasance, malfeasance, or other cause of action heretofore committed by any sheriff, constable or other officer, no suit, action or motion shall be maintained against the security or securities of any such sheriff, constable or other officer, for any such misfeasance, malfeasance, or other cause of action, unless the same be commenced and prosecuted within three years after the passage of this act; subject always to the proviso in the first section of this act.

Causes of action heretofore committed, limited to three years.

Approved, January 18, 1832.

AN ACT

Amendatory to the several Acts concerning Witnesses.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That every witness hereafter summoned to appear at any of the courts of this State, according to the existing law, such witness shall be required to attend from term to term until discharged by order of court, or the party at whose instance they were summoned, and the clerk of any of said courts shall not issue subpœnas for the same witnesses from term to term during the pending of the cause in which such witness is summoned.

Witnesses required to attend from term to term until discharged.

Sec. 2. *And be it further enacted*, That all acts contrary to the provisions of this act, be, and the same are hereby repealed.

Repeal.

Approved, January 3, 1832.

AN ACT

To alter the Time of holding the Courts of Commissioners of Revenue and Roads of Shelby County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the courts of commissioners of revenue and roads of Shelby county, shall hereafter be holden on the first Mondays in February, May, September and December, instead of the time heretofore established by law.

Courts of Revenue and Roads in Shelby county, when held.

Approved, January 4, 1832.

AN ACT

To authorize a Jury to be drawn for the County Court of Lowndes County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the judge of the county court, clerk of the circuit court, and sheriff of Lowndes county, to draw twenty-four persons qualified to serve as jurors, to attend the county court of said county as jurors, at each term of the same, in the same manner and under the same regulations provided in relation to jurors of the circuit court of said county.

Judge of County Court, Clerk of Circuit Court, and Sheriff, to draw Jurors for County Court.

Sec. 2. *And be it further enacted,* That the said judge, clerk and sheriff, shall furnish the clerk of the county court with a list of jurors so drawn, who shall cause them to be summoned in the same manner that jurors are summoned to attend the circuit courts; and each juror serving according to this act, shall be entitled to the same compensation now allowed jurors of the circuit court of said county for like services: *Provided,* that nothing herein contained shall prevent said county court from supplying defects in the regular pannel by talismen, or from summoning by-standers as heretofore, whenever the regular pannel are all engaged, or none in attendance, from any cause whatever.

To furnish Clerk of County Court with list.

Compensation.

Proviso.

Approved, January 18, 1832.

AN ACT

To repeal in part an Act entitled an Act for the Government of Ginholders, passed November the 16th, 1818.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first and second sections of the above recited act, be, and the same are hereby repealed.

Repeal.

Sec. 2. *And be it further enacted,* That all owners of cotton gins within this State, shall mark on each bale of cotton by them gined and baled, the initial letters of his or her proper names, together with such initials as will designate the county of his or her residence.

Owners of Gins to make initials.

Sec. 3. *And be it further enacted,* That if any person or persons shall violate the provisions of the foregoing section, he, she or they shall be liable to a penalty of five dollars, to be recovered before any court having competent jurisdiction, one half to be paid into the county treasury, and the other half to the person suing for the same.

Penalty.

Approved, January 21, 1832.

AN ACT

In part to repeal an Act entitled an Act to authorize the County Court of Dale County to sell certain Public Buildings therein named, approved 8th December 1830.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the above recited act as authorizes the judge of the county court, and commissioners of the roads and revenue of Pickens county, to sell the court-house and jail, and also the public square in the town of Pickensville, be, and the same is hereby repealed.

Part of an act authorizing County Court of Pickens to sell certain public buildings repealed.

Approved, December 28, 1831.

AN ACT

To allow Compensation to the Petit Jurors for the County of Conecuh.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter all petit jurors, as well talisjurors, as of the original pannel, shall be entitled to and receive one dollar for each day they may be required to attend either of the courts held in and for said county of Conecuh. Those of the original pannel shall also be entitled to receive four cents for each mile they may travel from their homes to and from the court house.

Petit Jurors' compensation in Conecuh.

Sec. 2. *And be it further enacted,* That the treasurer of the county of Conecuh, shall attend at the court house of said county, on the fourth day of the term of the circuit courts respectively, and on the second day of the county courts respectively, for the purpose of paying to jurors the compensation allowed them in the first section of this bill; and that said treasurer shall allow the payment of the jurors for said county of Conecuh, a preference over all other demands on the treasury of the county of Conecuh.

Treasurer to attend court to pay Jurors.

Jurors to have preference.

Sec. 3. *And be it further enacted,* That all laws contravening the provisions of this act, is hereby repealed, and that the same is here in force from and after its passage.

Repeal.

Approved, January 19, 1832.

AN ACT

To provide for the summoning of a Jury to attend the County Court of the County of Marengo.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court, the clerk of the circuit court, and the sheriff of the county of Marengo, shall cause to be drawn twelve persons, who shall be summoned to attend as jurors at each term of the county court in said county, which jurors shall be drawn and summoned in the same manner, and shall receive the same compensation, and be subject to the same liabilities, as jurors who are summoned to attend the circuit courts of said county.

Judge County Court, Clerk Circuit Court, and Sheriff, to draw Jurors to attend County Court.

Compensation and habilities.

Sec. 2. *And be it further enacted,* That nothing in this act shall prevent the sheriff of said county from summoning talisjurors when necessary, in addition to the original pannel, as authorized by the first section of this act.

Sheriff may still summon Talisjurors.

Approved, January 18, 1832.

AN ACT

To attach a Portion of the Territory of Pike County to Henry County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, all that territory lying south of the Usalla creek, commencing where the Indian boundary line crosses the most southern prong, thence down said creek to the Chatahoucha river, to where the Indian line crosses said river, be attached to the county of Henry.

Part of Pike attached to Henry county.

Approved, December 28, 1831.

AN ACT

To provide for the Admeasurement of Work done to Buildings in the City of Mobile, and for the Appointment of Measurers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State Alabama in General Assembly convened,* That the mayor and aldermen of the city of Mobile shall, at the first meeting of their board to be holden after the first day of February, 1832, and at the first meeting thereof in each subsequent year, appoint four master mechanics of the city of Mobile, to be measurers and estimators of work; and the said four shall be called the committee of master mechanics of the city of Mobile.

Mayor and Aldermen to appoint a committee of mechanics.

Sec. 2. *And be it further enacted,* That whenever any difference arises between persons interested in any work done to or on any building within the city of Mobile, concerning said work, whether the same be as to quantity or quality of the work, the said difference shall be, at the suggestion of either of the parties interested, referred to the said committee of master mechanics, in manner and form hereinafter provided.

A difference concerning work to be referred to the committee.

Sec. 3. *And be it further enacted,* That any person or persons wishing to avail him or themselves of the privileges of this act, shall give notice in writing to the said committee, that a difference has arisen between himself and another or others, touching the quantity of work done, or the quality thereof, (as the case may be,) on any building or buildings, (describing the same,) whereupon it shall be the duty of the said committee, or a majority thereof, to give private notice in writing to all parties interested, if the same be practicable, and if not practicable, public notice in a newspaper printed in the city of Mobile, that they intend, at a certain time and place to be mentioned in said notice, the time being not less than two nor more than ten days from the service or appearance of said notice, to proceed to measure the quantity, or estimate the quality, (as the case may be,) of such work: and at the same time and place so appointed, the said committee, or a majority thereof, shall proceed to measure and estimate as aforesaid; and shall thereupon give to the party at whose instance the same was done, and to such others as may require it, a certificate setting forth their doings in the premises; and the said certificate, under the proper hands and seals of the said committee, or a majority thereof, shall be held and deemed in any court in this State, evidence as to the quantity or quality of the work in question, and also as to any notice required by this act: *Provided,* that nothing contained in this act shall prevent any person who may feel himself aggrieved by any such survey, from his right of appeal.

Mode of proceeding.

Proviso.

Sec. 4. *And be it further enacted,* That with regard to the quality of any work done as aforesaid, the said committee shall, when it shall seem to them, or a majority of them, that the same has not been done in a workmanlike manner, barely certify the per centage that shall be deducted in consequence thereof.

Work not faithfully done.

Sec. 5. *And be it further enacted,* That any vacancy or vacancies which may occur, by death, resignation, absence or re-

Vacancies, how filled.

moval, shall be supplied by the mayor and aldermen aforesaid; and that a continued absence from the city of Mobile of sixty days, shall forfeit membership, which absence shall be certified to the clerk of the city of Mobile.

Compensation.

Sec. 6. *And be it further enacted*, That the said committee shall be entitled to such compensation as the mayor and aldermen shall, from time to time, establish by ordinance, which compensation the parties interested in said work shall pay, share, and share alike.

Recovery of fees.

Sec. 7. *And be it further enacted*, That all suits brought by said committee for the recovery of fees, shall be in the name of the committee of mechanics of Mobile.

Oath of office.

Sec. 8. *And be it further enacted*, That every member of said committee shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath, faithfully and impartially to discharge the duties of his office so long as he may continue therein, which oath shall be filed in the office of the clerk of the city of Mobile.

Approved, January 19, 1832.

AN ACT

To provide for the drawing an additional Number of Jurors, and for compensating Tales Jurors in the Counties of Perry and Greene.

Clerks of Circuit Courts of Perry and Greene to draw additional Jurors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be the duty of the clerk of the circuit court of Perry county to draw twelve jurors, and of the clerk of the circuit court of Greene county to draw for the first week of said court nine, and for the second week six jurors, in addition to the number hitherto required by law for the original venire.

Compensation.

Sec. 2. *And be it further enacted*, That the persons who shall hereafter be summoned as talesmen in said counties, to serve as jurors, shall receive the same compensation for each and every day they may serve, as that which is now paid to the jurors of the original pannel.

Jurors, when and how discharged.

Sec. 3. *And be it further enacted*, That whenever the original pannel shall have been completed, it shall be the duty of the presiding judge to discharge the balance of the jurors so summoned.

Approved, January 13, 1832.

AN ACT

To exempt from Taxation all Incorporated Academies in this State.

Huntsville Female Seminary exempt from taxation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all the buildings, lands and property, of whatever description, which the trustees of the Huntsville Female Seminary may possess, shall be, while belonging to said seminary and used for the purposes thereof, exempt from all taxation whatsoever.

Sec. 2. *And be it further enacted*, That all houses and lots of land, held by any incorporated academy in this State, shall not hereafter be liable to the payment of any taxes for either State, county or corporation purposes, so long as the same shall be held and occupied by any company for the purpose of schools.

Approved, January 21, 1832.

AN ACT

To provide for the Payment of Jurors in the County of Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, on all suits determined in the circuit court of the county of Pickens, the successful party shall, in open court, and before the jury retire or disperse, pay to the foreman or the juror who announces the verdict of the jury, the sum of one dollar, which said sum shall be equally divided among the jurors, now by law entitled to receive the same.

Compensation of Jurors in Pickens

Sec. 2. *And be it further enacted,* That the clerk of said circuit court of the county of Pickens, shall in no case enter up judgement, unless the party successful shall pay the sum of one dollar, in the manner by the first section of this act prescribed.

Clerk of Circuit Court not to enter judgment till tax paid.

Sec. 3. *And be it further enacted,* That the sum of one dollar paid by the successful party, in the manner prescribed by the first section of this act, shall be taxed by the clerk on the execution, and when collected shall be paid to the successful party.

Tax paid by successful party to be refunded.

Sec. 4. *And be it further enacted,* That the sum of one dollar, paid in the manner prescribed by the first section of this act, shall stand and be in lieu of the three dollars now required to be paid, and the county tax of two dollars formerly required to be paid, any law, usage, or custom to the contrary notwithstanding.

Tax of one dollar in lieu of three.

Approved, January 13, 1832.

AN ACT

Authorizing the Inhabitants of Township seven and Range six, in Lawrence County, to sell and dispose of part of their Sixteenth Section in Town Lots.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall and may be lawful for the inhabitants of township seven and range six, in Lawrence county, to hold an election for five commissioners, to lay off and sell part of their sixteenth section, not exceeding forty acres in town lots, who shall not have authority to act, unless forty days' public notice be given of the time and place of said election; nor shall they be empowered to act, unless each of them receive a majority of the votes of the qualified electors in the said township.

Commissioners to be elected, to lay off part of 16th Section in town lots.

Proviso.

Sec. 2. *And be it further enacted,* That when the five commissioners elected in pursuance of this act, shall have surveyed said lots, they shall fix the value of each, and put the same up at auction to the highest bidder, on a credit of one, two and three years, the purchaser giving bond and security, to be approved of by the said commissioners, for the payment of the purchase money.

To survey and value lots, and offer the same for sale.

Terms.

Sec. 3. *And be it further enacted,* That it shall be the duty of said commissioners to set apart suitable lots for an academy and schoolhouse, and also for a public burying ground.

To set apart certain lots.

Sec. 4. *And be it further enacted,* That it shall be the duty of said commissioners, to forward the bonds due for the sale of said lots to the Bank of the State of Alabama for collection, to be placed to the credit of said township as is now prescribed by law in cases of sales of other sixteenth sections. Approved, January 13, 1832.

To forward bonds to the Bank for collection.

AN ACT

Permanently to fix the Seat of Justice in the county of Wilcox.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That David Wardlow, Jonathan Bill, Robert H. Grigg, William K. Beck and William Bonner, be, and they are hereby appointed commissioners for the county of Wilcox, whose duty it shall be to ascertain the centre of said county, and if necessary they may employ a skillful surveyor to assist them; and after ascertaining the centre place in said county, the said commissioners shall proceed to elect an eligible site at or within the distance of three miles of said centre, (having due regard to the public good,) and as soon as they shall have made such selection, they shall mark out and designate the same, by township, range, section and quarter section, and within five days thereafter report the same to the sheriff (or coroner, if there be no sheriff) of said county, which report shall be made to the sheriff on or before the first Monday in April next; and it shall be the duty of the sheriff or coroner, forthwith to advertise an election to be held on the first Monday in May next thereafter, at the several election precincts in said county, under the same laws and regulations which govern elections for members of the General Assembly, in order to ascertain the will of the qualified voters of said county, whether the seat of justice shall remain at the town of Canton, or be removed to the place selected for the same by the commissioners hereby appointed.

Commissioners appointed to select centre.

May employ a surveyor.

To select site.

Report to Sheriff.

When to be made.

Election to be held.

Sec. 2. *And be it further enacted,* That should the election not be held on the first Monday in May, as is provided for in the first section of this act, then the sheriff or coroner shall cause the same to be holden on the first Monday in June next thereafter; and in either case the sheriff or coroner shall give at least twenty days' notice of holding such election, by advertising the same in two or more public places in each captain's beat in said county, and each elector voting at said election shall endorse on his vote, if for removal, the word "centre," if against removal, the word "Canton;" and the managers of said election shall make returns thereof in the same manner as they are required to make returns for members of the General Assembly.

If not in May, then in June.

Notice.

Mode of voting.

Sec. 3. *And be it further enacted,* That if, upon casting up the votes by the sheriff, there shall be a majority of the qualified voters in favor of a removal of the seat of justice, it shall be the duty of the sheriff of said county, to report the same to the commissioners appointed by this act within five days thereafter—Whereupon it shall be the duty of the commissioners, and they are hereby authorized, to purchase with the funds of the county, the tract of land so selected for the seat of justice, not exceeding one quarter section, the quarter section of land so selected, or some tract adjoining thereto: *Provided,* the one selected cannot be purchased at a reasonable price; and that they cause the same to be laid out into town lots, and squares, after laying off a suita-

If a majority for removal, the Sheriff to report to Commissioners.

Commissioners to purchase Quarter Section.

To lay off Town Lots.

ble square for public buildings; and it shall be the duty of said commissioners to advertise the sale of said lots so laid off, and sell at public auction, on such terms as they may think most advantageous.

To advertise the sale.

To take titles in the name of the Judge of County Court.

Sec. 4. *And be it further enacted*, That it shall be the duty of said commissioners, to take the titles of the lands purchased as aforesaid, in the name of the judge of the county court for the time being, and his successors in office; and they shall have power to contract for, and cause to be erected upon such new site, a suitable court-house and jail, upon such plan as they may think proper.

To contract for Court House.

To superintend the buildings.

Sec. 5. *And be it further enacted*, That the commissioners aforesaid shall superintend the erection of said public buildings, and shall draw on the county treasury for such sums as they may think necessary for the erection of said public buildings; and the court of revenue and roads shall make appropriations for the payment of the same out of the county treasury, and said court shall allow to the commissioners appointed by this act such compensation as they may deem reasonable and just.

Payment.

Compensation.

Vacancies, how filled.

Sec. 6. *And be it further enacted*, That should a vacancy occur, by death, removal, or refusal to act, of any of said commissioners, it shall be the duty of the remainder of said commissioners to fill such vacancy, by the appointment of some suitable person residing in the same section of the county where the commissioner so dying, resigning, or refusing to act, resided.

Oaths.

Sec. 7. *And be it further enacted*, That the said commissioners, before entering upon the duties assigned them by this act, shall take and subscribe an oath before some judicial officer of said county, faithfully and impartially to perform the duties hereby assigned them; and in all cases, a majority of said commissioners shall be competent to act.

Quorum.

To notify Sheriff and Clerks of the completion of buildings.

Sec. 8. *And be it further enacted*, That so soon as the court-house herein provided for, shall have been completed, the said commissioners shall notify the sheriff and clerks of the circuit and county courts of the same; and it shall be the duty of said officers, to remove their respective offices to the place so selected as the county seat; and the courts of said county shall thereafter be held at the court-house so located by the commissioners herein appointed.

If no removal should take place Sheriff to notify County Court.

Sec. 9. *And be it further enacted*, That should it appear, on casting up the votes as provided for in the first and second sections of this act, that a majority of the voters are opposed to a removal, then it shall be the duty of the sheriff or coroner to notify the judge of the county court of the same; after which time it shall be the duty of the judge and commissioners of said county, to cause to be erected a suitable jail at the present seat of justice for said county.

On affidavit of illegal votes, election may be contested.

Sec. 10. *And be it further enacted*, That on the affidavit of any citizen, made before the judge of the county court, a resident of the county of Wilcox, that the said election has been conducted incorrectly, or illegal votes received, and on notice of such

affidavit being made known to the sheriff of said county, it shall be the duty of said sheriff to give notice to the managers of said election, at the various election precincts in said county, that such affidavit has been made, and the legality of such election contested, the managers of the election at the various precincts, shall then return the ballots, together with the names of the persons voting, to the judge of the county court, whose duty it shall be to cause the commissioners of roads and revenue to convene on a day named by him; and the said judge and commissioners of roads and revenue, or a majority of them, shall constitute a court vested with power to purge the polls of all illegal or improper votes.

Approved, January 19, 1832.

AN ACT

To designate the Boundaries of certain Counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all that tract of country lying in the Cherokee nation, within the following bounds, viz: Beginning at the southeast corner of Morgan county, thence east with the Blount county line, to the northeast corner of township nine in range one, east of the basis meridian of Huntsville, thence northwardly to Shoal creek, thence down the said creek to Tennessee river, thence down the same to the Indian boundary, thence south to the beginning, shall be added to, and compose a part of Morgan county. Boundaries of Morgan county.

Sec. 2. *And be it further enacted*, That the line designating a part of the boundary of Blount county, shall be as follows, viz: Beginning at the northeast corner of township nine in range one, east of the basis meridian of Huntsville, and running from thence northeast to the main source of Shoal creek, with its meanderings, to the Tennessee river, from thence up said river to where the road now crosses said river at or near Old Deposit, from thence with said road leading to the State of Georgia by the way of Edward Coxes, to where said road strikes the present boundary line of the county of Blount, shall be added to, and compose a part of the county of Blount. Of Blount.

Sec. 3. *And be it further enacted*, That the boundaries of Jackson county shall be as follows, viz: Beginning at the Tennessee river at Old Deposit, and running with the Deposit road to the Georgia road, thence with said road in the direction of the State of Georgia by the way of Edward Coxes, to where the said Georgia road strikes the present boundary line of Blount county, thence along sain Blount county line to the extreme height of the Rackoon mountain to the Georgia State line, thence northwardly along the Georgia State line to the Tennessee State line, thence westwardly along the Tennessee State line to Madison county line, thence southwardly along the Madison county line to the Tennessee river, thence up said river to the aforesaid beginning, any law to the contrary notwithstanding. Of Jackson.

Sec. 4. *And be it further enacted*, That all that part of the Chickasaw lands within the boundary lines of Franklin county, Of Franklin.

be, and the same is hereby added to, and shall compose a part of the county of Franklin.

Of St. Clair.

Sec. 5. *And be it further enacted*, That all the territory included in the following boundaries, viz: Beginning at the source of Line creek, upon the top of Rackoon mountain, thence northeastwardly to the line dividing Alabama from the State of Georgia, thence southeastwardly along said line to the line dividing the Cherokee from the Creek nation of Indians, thence westwardly along said line to the Coosa river, thence up said river to the mouth of Wills' creek, thence up said Wills' creek to the mouth of Line creek, thence up said Line creek to the aforesaid beginning, shall be added to, and compose a part of the county of St Clair.

Approved, January 21, 1832.

AN ACT

To compensate the Commissioners of Revenue and Roads of the Counties therein named.

Compensation to Commissioners of Revenue and Roads of Monroe, Pike, Limestone, Morgan, Montgomery & Clarke.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter the commissioners of revenue and roads for the counties of Monroe, Pike, Limestone, Morgan, Montgomery and Clarke, shall receive for their services, the sum of one dollar and fifty cents each, for every day they shall attend the commissioner's court in their respective counties, to be paid out of any money in the county treasury not otherwise appropriated, and the certificate of the clerks of said counties shall authorize the county treasurers to pay out the amounts certified to be due.

Franklin.

Sec. 2. *And be it further enacted*, That the commissioners of roads and revenue of Franklin county be allowed and paid, out of any moneys in the county treasury not otherwise appropriated, one dollar and fifty cents per day, and five cents per mile for going to and returning from said courts: *Provided*, that not more than two days' pay shall be allowed at any one court.

Approved, January 16, 1832.

AN ACT

To provide for the Election of Justices of the Peace and Constables, in the corporate Limits of the Town of Huntsville.

1831

Election of Justices and Constables.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That at the next regular election held for justices of the peace and constables for the county of Madison, there shall be elected two justices of the peace and one constable, by the qualified electors in each of the old beats in the town of Huntsville, as they existed prior to the formation of the artillery company in said town, in the same manner and under the same rules and regulations as heretofore, notwithstanding the said beats have been reduced to *one beat*.

Captain's duty.

Sec. 2. *And be it further enacted*, That the captain commanding in said beat, be, and he is hereby required to do and perform all things in regard to the election of justices of the peace and constables in each of said beats, as is now required by captains in their respective beats in regard to such elections, any law to the contrary notwithstanding.

Approved, January 21, 1831.

AN ACT

To exempt from Taxation the several Churches in the State of Alabama, dedicated to Religious Worship.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the several churches in the State of Alabama dedicated to religious worship, and the lots on which they are erected, not exceeding two acres of land to each, which are now established, or which may hereafter be established, shall henceforth be exempt from any levy of taxation for State, county, or corporation purposes: *Provided always*, that the lands so exempted shall belong to and be the property of the citizens of the United States, and shall be used for the purposes of religious worship and no other, except for the use of schools, and as burying grounds attached to said churches. Approved, December 28, 1831.

Churches exempt from taxation.

AN ACT

To authorize the Commissioners' Courts of the Counties of Franklin and Lawrence to build a Bridge across Town Creek.

1832

Section. 1 *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judges of the county courts and commissioners of revenue and roads of the counties of Franklin and Lawrence, are hereby authorized and empowered to erect a bridge across Town creek, on the State road leading from Tuscaloosa to Bainbridge, on the Tennessee river, at or near where said creek crosses the line between said counties of Franklin and Lawrence, on such terms, rules and regulations, as they or a majority of them may deem right and proper.

Bridge over Town creek authorized.

Sec. 2. *And be it further enacted,* That the expenses incurred in building said bridge, shall be equally divided between the said counties of Franklin and Lawrence, to be paid out of the county funds. Approved, January 5, 1832.

Expense divided.

AN ACT

To authorize the Commissioners of Revenue and Roads of Baldwin County, to levy a Tax for the Purpose of building a Jail in said County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court and commissioners of revenue and roads of Baldwin county, be, and they are hereby authorized and required to levy a tax on the persons and property in the county of Baldwin liable to taxation, to such per cent. on the State tax as said court and commissioners may think proper, which shall be applied to the building and completing a jail at Blakely, in and for said county of Baldwin.

County Court of Baldwin to levy a special tax.

Sec. 2. *And be it further enacted,* That the county court and commissioners of revenue and roads of Baldwin county, or a majority of them, shall have full power and authority to contract for the building and completing of said jail on such plan as they may prescribe, and shall let the same to the lowest bidder at such time and place as they may think proper: *Provided* that said court and commissioners shall not give more for building and completing said jail than two thousand dollars. Approved, Jan. 5, 1832.

To contract for building a jail.

AN ACT

To authorize the Commissioners Courts of Roads and Revenue to grant Private Ways in certain Cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter it shall be lawful for the courts of roads and revenue in each county, on the application of any one or more persons, to grant and establish private roads not exceeding fifteen feet wide: *Provided,* it shall not be opened through any persons' plantation: *And provided always,* that the person or persons petitioning, shall be bound to open and keep such road in repair; and shall pay to the owner of the soil over which said road shall run, all damages that may be assessed against the petitioner or petitioners, for the benefit of the said owner, in the manner of assessing damages in like cases of public roads: *And provided further,* that such petitioner or petitioners shall not be exempt from working on public roads, on account of working on such private road.

Courts of Roads and Revenue may grant private roads.

Proviso.

Proviso.

Approved, January 21, 1832.

AN ACT

To auhorize the Judge of the County Court of Tuscaloosa County and Commissioners of Revenue and Roads, to appoint all Persons within one Mile of the Huntsville Road, living in Bibb County, to work on said Road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court and commissioners of revenue and roads of the county of Tuscaloosa, shall apportion, or cause to be apportioned, all persons living in Bibb county, within one mile of the Huntsville road, who are liable to work on roads, to work on the said Huntsville road.

County Court of Tuscaloosa to apportion persons in Bibb county within one mile of the Huntsville road, to work on said road.

Sec. 2. *And be it further enacted,* That all persons so apportioned, and who shall fail or refuse to work on said road when legally summoned, shall suffer all pains and penalties that are imposed on other persons for such refusal or neglect.

Penalty for refusing to work.

Sec. 3. *And be it further enacted,* That all persons living in the county of Bibb, and so apportioned as above, shall not be compelled to work on any other road than the said Huntsville road.

Exemption.

Approved, January 19, 1832.

AN ACT

Supplementary to an Act entitled an Act appointing Commissioners to establish the Line between the Counties of Tuscaloosa, Greene and Pickens, approved January 20, 1830.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners, in performing the duty assigned them by the act aforesaid, shall commence at the mouth of Grant's creek, on the Warrior river, then down said river to a point on the west bank of said river, where a line, commencing at the mouth of Grant's creek and running west parallel with the line dividing townships twenty-three and twenty-four would cross the Warrior river for the fourth and last time, thence from said point run a line

Boundary line between Tuscaloosa and Greene.

parallel with the lines dividing the townships aforesaid, in all the ranges, until said line strikes the dividing line between the counties of Tuscaloosa and Pickens, which line so run as aforesaid shall hereafter be the county line between the counties of Tuscaloosa and Greene.

Between Greene and Pickens.

Sec. 2. *And be it further enacted*, That after said line as aforesaid, shall strike the line aforesaid between the counties of Tuscaloosa and Pickens, it shall run along said line north two hundred and twenty yards, then west again with a line parallel with the lines aforesaid, dividing townships twenty-three and twenty-four, until said line strikes the Sipsy river, then down said Sipsy until it empties into the Tombeckbee river, which line, when run as aforesaid, shall hereafter be the boundary line between the counties of Greene and Pickens.

Commissioners authorized to employ chain carriers.

Compensation.

Sec. 3. *And be it further enacted*, That said commissioners are authorized to employ a suitable number of persons, as chain-carriers and markers upon said line; and that they be paid for their services, two dollars each, per day, out of any money in the county treasuries of Tuscaloosa, Greene and Pickens not otherwise appropriated, in equal proportion from each county, and that the certificate of the commissioners aforesaid shall be evidence of such services.

Approved, January 21, 1832.

AN ACT

To repeal a part of an Act entitled an Act to appoint Commissioners for the Counties of Perry and Marengo, to sell and convey Town Lots at the Towns of Marion and Linden, the Seats of Justice thereof, and to erect Public Buildings in the same.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the first section of the aforesaid recited act, be, and the same is hereby repealed.

Power of Commissioners to sell lots vested in County Court of Perry.

Sec. 2. *And be it further enacted*, That all the powers, rights and duties imposed or conferred, by the aforesaid act, in the commissioners therein named for the county of Perry, be, and the same are hereby transferred to, and vested, in the judge of the county court and commissioners of roads and revenue for the county of Perry.

County Court authorized to sell town lots in Marion.

Sec. 3. *And be it further enacted*, That the commissioners of roads and revenue, together with the judge of the county court of Perry, or a majority of them, shall be authorized to make sale of any lots remaining unsold, or that may become forfeited in the town of Marion, in such manner as they may deem most beneficial to the county; and they shall have full power to make deed to purchasers, together with all other powers heretofore vested by law in the commissioners for the county of Perry.

Commissioners and their treasurer to make settlement with the County Court.

Sec. 4. *And be it further enacted*, That the commissioners appointed by the aforesaid recited act, intended to be hereby repealed, and their treasurer, shall make a settlement with the commissioners of roads and revenue and judge of the county court of Perry county; and after entering such settlement on the minutes

of said court, the moneys remaining in the hands of said commissioners and their treasurer, and the notes and bonds taken by them to secure the payment of money, and all other papers relative to the business of said commissioners, together with any patent or deeds for lands conveyed to them, shall be transferred and payed over into the hands of the county treasurer of Perry county.

Treasurer of the county to receive moneys and papers, and collect debts.

Sec. 5. *And be it further enacted*, That the treasurer of Perry county, shall receive all moneys and papers from the aforesaid commissioners and treasurer, and proceed to collect all sums of money that are or may become due, as may seem most conducive to the interest of said county, in the name of the county treasurer of Perry county.

County Court to make titles.

Sec. 6. *And be it further enacted*, That the commissioners of roads and revenue and the judge of the county court of Perry county, or so many of them as may continue in office, on the production of the county treasurer's receipt, specifying that complete payment has been made for any lot or lots heretofore sold, shall make and execute in title deeds to the same in fee simple: *Provided*, that all titles heretofore made by the commissioners shall be valid and operative.

Proviso.

To erect public buildings.

Sec. 7. *And be it further enacted*, That the commissioners of roads and revenue and the judge of the county court of Perry county, be, and they are hereby authorized to enter into contracts to erect the public buildings in said county, in such manner as they may deem most beneficial to the interest of said county, and make appropriation out of the county treasury to pay for the same, taking bond and security from the undertaker or undertakers of said buildings, payable to the judge of the county court, and his successors in office, conditioned to perform and complete the work according to the contract.

Superintendant to make oath.

Sec. 8. *And be it further enacted*, That any person or persons appointed by the county court of Perry county, to superintend the erection of the public buildings of said county, shall make an oath or affirmation, that he is neither directly nor indirectly interested in the contract for the erection of said buildings, and said court may make such appropriation out of the county treasury as may seem to be a reasonable compensation for such service.

Approved, January 3, 1832.

AN ACT

To repeal in part a certain Act therein named.

Act to legalize the sale of lots in Greenville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the first section of an act entitled an act to authorize the county court of Butler county, to make further sales of lots in Greenville, approved December 31, 1827, shall be so construed as to confirm and legalize the deed or deeds of conveyance of the lots and other real estate, from the commissioners of the town to the commissioners court of said county; and so much of said section as applies to any other matter or thing in the said settlement than that above stated, be, and the same is hereby repealed.

Repeal.

Approved, January 19, 1832.

AN ACT

To authorize the Transfer of Causes from the County Courts to the Circuit Courts in particular Cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if any suit shall be commenced or be now pending in any of the county courts of this State, where any of the parties thereto shall be related to the judge of said court, by affinity or consanguinity, it shall and may be lawful for the judge of said court to order the cause to be transferred to the circuit court of the county in which such suit may have been commenced, and it shall be the duty of the clerk of the county court, in such cases, to deliver all the papers in such cause, together with a certified copy of the order of transfer, to the clerk of the circuit court of said county.

Causes from County Court to be transferred to Circuit Court, when either party is related to Judge.

Clerk of County Court to deliver papers to Clerk Circuit Court.

Sec. 2. *And be it further enacted*, That it shall be the duty of the clerk of the circuit court to which any cause may be transferred as aforesaid, to place the cause on the trial docket for the next succeeding term of said court; and from the time said papers may be so delivered to the clerk of any circuit court as aforesaid, it shall in all respects stand in the same situation as if it had been regularly commenced in said court, and it shall be tried at the next succeeding term, unless continued for good cause, as in other cases: *Provided*, that in all cases now pending in the county court of Tuscaloosa county, which may be transferred by virtue of the provisions of this act, the judge of said court may require security from the defendant or defendants, for the payment of such judgement as the circuit court may render in the cause.

Causes transferred, where to be placed.

Proviso.

Approved, December 20, 1831.

AN ACT

To establish certain Ferries therein specified.

1832

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Dempsey Pace be, and he is hereby authorized to keep a ferry on Syntabogue creek, where the road crosses the same, leading from St Stephens to Coffeeville, in Washington county.

Ferries authorized.

Dempsey Pace.

Sec. 2. *And be it further enacted*, That William Jordan be, and he is hereby authorized to keep a ferry on Bassett's creek, in said county, where the road crosses the same, leading to Mobile from St Stephens; and that Jonathan Brown be, and he is hereby authorized to keep a ferry on Oaktoopa creek, in said county, on the road leading from Carrollton to M'Carty's ferry: *Provided*, that the General Assembly shall at all times have the right to repeal or amend this act as may be deemed expedient: *Provided*, that this act shall in no wise interfere with the rights and privileges of other citizens of the State of Alabama: *And provided further*, that so soon as the land shall be sold on which said ferries are established, the privilege granted by this act shall cease and be void.

Wm. Jordan.

Jonathan Brown.

Proviso.

Proviso.

Further proviso.

Sec. 3. *And be it further enacted*, That the said Dempsey Pace, William Jordan and Jonathan Brown, be, and they are hereby severally authorized to demand and receive, at their respective ferries, for crossing the same; the following toll, to wit: For every

Rates of toll.

four-wheel carriage, seventy-five cents; for every two-wheel carriage, thirty-seven and a half cents; for every man and horse, twelve anda half cents; for every pack, led, or loose horse, six and a quarter cents; for every foot person, six and a quarter cents; for every head of cattle, two cents; for every head of hogs, sheep or goats, one cent.

Approved, January 5, 1832.

AN ACT

Making Provisions for the taxing of Cattle in this State, which are the Property of Non-residents.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for the judge and commissioners of roads and revenue of the counties of Mobile, Washington and Baldwin, annually, to levy a tax of twenty-five cents per head on each and every head of stock cattle owned by persons not citizens of this State, and now or hereafter running at large within said counties: *Provided*, nothing contained in this act shall authorize said court to tax the cattle of non-residents who may be freeholders within this State.

Judge and commissioners of Mobile, Washington, and Baldwin, to levy a tax on cattle of non-residents.

Proviso.

Sec. 2. *And be it further enacted*, That the tax collectors of the several counties therein named, are hereby authorized and required to assess and collect the said taxes in the same manner that other taxes are now collected by them, and pay the same into the treasury of the counties aforesaid.

Approved, January 21, 1832.

AN ACT

To explain more fully a part of the County Line between the Counties of Bibb and Shelby.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the line between the counties of Bibb and Shelby shall commence at the present corner, near Gillaspie's old mill, (the iron-works,) thence with Roupe's Valley creek to its junction with the Shade's creek, thence down said creek so as to include David E. M'Donald's land or place where Asa Hamilton has lived, in the county of Bibb, and the place where Joseph Acker lives, in the county of Shelby, and thence in a direct course to the nearest defined point of the Bibb line southwardly.

Line between Bibb and Shelby explained.

Approved, January 18, 1832.

AN ACT

Supplementary to an Act entitled an Act for the Improvement of the Tennessee river, and for other Purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That all claims payable out of the canal fund for the improvement of the Tennessee river, shall be presented to the canal commissioners, and if allowed by them, shall be paid out of the said fund, upon the order of said commissioners, and the order of said commissioners shall be a good voucher for the sum or sums so paid, to the holder thereof, any law to the contrary notwithstanding.

Claims against Canal Fund, how payable.

Approved, January 21, 1832.

AN ACT

To amend an Act entitled an Act for the Government of the Port and Harbor of Mobile, passsed December 23, 1822.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the mayor and aldermen of the city of Mobile, on the second Monday in December in the year 1834, and annually thereafter, to elect five discreet persons to serve for one year as a board of wardens, one of whom shall be chosen harbor master for the port and harbor of Mobile.

Mayor and Aldermen to elect wardens.

Harbor Master, how elected.

Sec. 2. *And be it further enacted,* That it shall be lawful for the harbor master aforesaid, to demand and receive from the commander, owner or consignees, or either of them, of every ship or vessel that may enter in the custom house of Mobile, and discharge or take in a cargo, (steamboats, challoons, flats, and Pensacola and New-Orleans packets excepted,) three cents per ton, to be computed from the tonnage expressed in the registers of such ship or vessels respectively, and no more.

His fees.

Sec. 3. *And be it further enacted,* That so much of the first and ninth sections of the act to which this is supplemental, as conflicts with the provisions of this act, be, and the same is hereby repealed.

Repeal.

Approved, January 21, 1832.

AN ACT

More effectually to secure to Militia Officers the Infantry Tactics received by this State from the General Government.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That each and every militia officer of this State, who has received, or may hereafter receive, a copy of the infantry tactics, adopted by Congress for the use of the militia of the United States, shall, so soon as he ceases to discharge the duties of his office, either by resignation or otherwise, return said copy to the commanding officer of the regiment of which he may have been attached, or to the person who may succeed him in office.

Militia officers, upon resiguing, to return Infantry Tactics to commanding officer.

Sec. 2. *And be it further enacted,* That it shall be the duty of the commanding officer aforesaid, whenever a copy is returned to him, to receipt for the same; and on application of the person elected or otherwise appointed to fill the vacancy which may have occurred, to furnish him with the copy returned by his predecessor, and in all cases where a copy is handed over to a successor, he shall receipt for the same.

Commanding officer to receipt for tactics.

Sec. 3. *And be it further enacted,* That when there remains a surplus number in the clerk's office, after the officers who are now entitled to a copy by law, are supplied, each ensign shall be entitled to a copy under the same rules and regulations that other officers are.

Ensigns, how entitled to copies.

Sec. 4. *And be it further enacted,* That any officer who may resign, or otherwise vacate his said office as aforesaid, failing to comply with the provisions of this act, shall forfeit and pay the sum of four dollars, to be recovered before any court having jurisdiction thereof, in the name of the commanding officer of such regiment as he may have been attached to, and for the use of such regiment.

Penalty.

Approved, January 21, 1832.

AN ACT

To authorize the Sale of a Lot in the Town of Cahawba.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court and commissioners of roads and revenue of the county of Dallas, are hereby authorized to select a lot or lots, or part of a lot, in the town of Cahawba, out of any of the public, unsold or forfeited lots in said town, not exceeding one acre, for the purpose of building a jail thereon for said county.

Judge and commissioners of the County Court of Dallas, authorized to select lot for County Jail.

Sec. 2. *And be it further enacted,* That so soon as the said judge and commissioners aforesaid, shall have selected the lot as aforesaid, and paid into the treasury of the State of Alabama the sum of twenty dollars therefor, the Governor of the State is hereby authorized and required to issue his grant to the said judge and commissioners, and their successors in office, conveying to them the title of said lot for the purpose aforesaid.

Governor to issue patent, upon payment for lot.

Approved, January 20, 1832.

AN ACT

For the Support of Paupers in Certain Counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county courts and commissioners of revenue and roads of Limestone, Lawrence and Lauderdale counties in this State, may, whenever they, or a majority of them, shall think it advisable, establish a poor-house for the support and comfortable maintenance of the paupers of their respective counties, under such rules, regulations and restrictions as they may think proper, not repugnant to the laws of this State.

County Courts of Limestone, Lawrence, and Lauderdale, may establish a Poor House.

Sec. 2. *And be it further enacted,* That any lands, tenements or hereditaments purchased or granted to any county for the purposes aforesaid, shall vest in the commissioners courts for the time being, and their successors in office, for the use of said county, and all expenses incurred in the establishment of any poor-house shall be paid by the county in which it may be established. Approved, Jan 5, 1832.

Title to lands to vest in Commissioners Court.

Expenses.

AN ACT

Altering the Time of opening and closing the Polls at Elections in the City and County of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sheriff of Mobile county shall hereafter, at all elections to be held by that officer, open the polls, and keep them open, between the hours of nine in the morning and four in the afternoon, any law to the contrary notwithstanding. Approved, January 18, 1832.

Polls in Mobile to be kept open from nine till four o'clock.

AN ACT

To repeal in part an Act authorizing a Jury to be drawn to attend the County Courts of certain Counties, and for other Purposes, approved January 13, 1831.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the aforesaid act as relates to Shelby county, be, and the same is hereby repealed. Approved, January 20, 1832.

Repealed, as far as relates to Shelby.

AN ACT

To provide for the Support of Paupers in the County of Franklin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the judge of the county court and commissioners of revenue and roads for the county of Franklin, be, and they are hereby authorized, whenever they, or a majority of them, shall deem it necessary, to purchase and receive title to any quantity of land not exceeding one hundred and sixty acres, which title shall be made to the judge of the county court and his successors in office, and shall vest in, and be the property of, the county in which it lies.

County Court of Franklin to purchase land.

Title, in whom vested.

Sec. 2. *And be it further enacted,* That said judge and commissioners are authorized to contract for the building of all necessary houses, for the purpose thereinafter mentioned, and every thing else that is necessary to be done, the expense of which shall be paid out of the first money in the county treasury of the county, and such place shall be denominated the poor-house.

To contract for building a Poor House.

Sec. 3. *And be it further enacted,* That whenever it shall appear to the county court, that a person is a subject of public charity and support, he, she or they may, if there be a poor-house in their county, order such person to be conveyed to the poor-house of the county, there to be taken care of and supported at public expense; and said court is authorized to employ some suitable person to superintend and take care of all the poor of the county.

Proper subjects for the Poor House

Sec. 4. *And be it further enacted,* That it shall be the duty of the judge and commissioners to meet at the poor-house at least once in three months, or oftener, if they, or a majority of them, think necessary; (the time of such meeting to be appointed by them, need not be periodical;) they shall examine the situation of the paupers, and the conduct of the person employed to take care of them, and shall have power to dismiss such person at pleasure; and they shall have power to make such rules and regulations as to them may seem proper.

When to meet at the Poor House.

To employ superintendant.

Sec. 5. *And be it further enacted,* That at any court after the first day of January next, the judge and commissioners of said court shall have power to appoint two persons in each captain's beat, who shall act as overseers of the poor, whose duty it shall be to report to the county court what persons are within the limits of their beat proper subjects for public support: whereupon, the court shall inquire into the fact of the case, and order them to be conveyed to the poor-house; and when vacancies occur, by death or otherwise, they shall be filled by the judge and commissioners.

Two persons in each beat to act as overseers of the poor.

Duty of overseers.

Vacancies in Poor House.

Sec. 6. *And be it further enacted,* That the judge of the county court shall take bond and good security from the person employed to superintend the poor, conditioned for the faithful performance of his duty, in such penalty as he may require, which shall not be void on the first recovery, but may be sued on as often as the judge and commissioners shall be of opinion that the conditions have been broken; and the judge and commissioners shall have power, from time to time, to make such rules and regulations for the support of the poor, at the poor-house, as to them

Superintendant to give bond.

County Court to make rules.

may seem to comport with their comfort, and the economy of the funds of the county.

County Court authorized to levy a tax to build a Jail.

Sec. 7. *And be it further enacted*, That the judge and commissioners of said county be, and they are hereby authorized to levy a tax, if they deem it necessary, not to exceed one fourth of the State tax; and that the judge of the county court and commissioners of revenue and roads, shall be authorized to apply the funds arising from said tax to the building of a jail in the town of Russelville, county of Franklin, or to the purchase of a tract of land not to exceed one hundred and sixty acres, and to the erection thereon the necessary buildings for the accommodation of the paupers of said county, as to them may seem proper.

To provide for paupers.

Approved, January 12, 1832.

AN ACT

To revive, repeal in part, and amend an Act entitled an Act to incorporate the Town of Greensborough, in the County of Greene, approved December 24, 1823.

Revived.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the above recited act be, and the same is hereby revived.

Councillors to be elected.

Sec. 2. *And be it further enacted*, That an election shall be held at some convenient place in said town of Greensborough, on the first Monday in March next, and on the same day in every succeeding year, to commence at 12 o'clock, noon, and close at four o'clock in the evening, for the purpose of electing five councillors, inhabitants of said town, who shall serve for the term of one year, and until their successors are duly elected and qualified, which election shall be held by some justice of the peace and any two freeholders of said town; and all subsequent elections shall be held and conducted by the intendant and any one councillor, or in the absence of the intendant, by any two councillors, to be appointed by the board for that purpose; and the said councillors shall, within five days after said election in each and every year, meet and hold an election for an intendant, who shall be elected from their own body by a majority of said councillors; whose duty it shall be to preside at all meetings of the councillors, and preserve order and decorum; and in his absence or incapacity, any councillor may be called to the chair; and the said intendant and councillors shall be, and they are hereby declared and constituted a body politic and corporate, by the name and style of "The Intendant and Council of the Town of Greensborough;" and by that name they and their successors in office, shall be capable in law, of suing and being sued, of pleading and being impleaded, in all manner of suits, either in law or equity; and they shall have full power and authority to keep a common seal, and the same break, alter and amend at pleasure, and in general to do and perform all acts which are usually incident to bodies corporate; to purchase, hold, use or dispose of for the benefit of said town, real, personal or mixed property, to the amount of ten thousand dollars.

Term of service.

Election, by whom held.

Intendant to be elected.

His duties.

Incorporation.

May sue and be sued.

Keep a seal.

May hold property.

Powers.

Sec. 3. *And be it further enacted*, That the said corporation shall have power to pass by-laws and ordinances necessary to

carry into effect the general powers granted by this act, and also such as may be necessary to preserve the health of said town; to prevent and remove nuisances; to suppress gaming of every description; to establish night-watches and patrols; to establish, alter and ascertain new streets and alleys, with the consent of the proprietor of lots or houses adjoining such streets and alleys; to provide for licensing, taxing, regulating and restraining theatrical amusements, and shows or exhibitions of every description in said town; to clear and keep in repair the streets and alleys of said town; to have a general control and superintendence over the springs and wells of said town; to establish necessary inspections; to erect and regulate markets, and the said corporation shall have full power and authority to alter, amend, repeal or revoke, at pleasure, all by-laws, and to put in execution all by-laws that may be in force: the said corporation shall also have power to appoint a treasurer, assessor and tax collector, and constable, and such other subordinate officers as they may think necessary; and by ordinance to require such security from the several officers so appointed, to annex such fees to the several offices, to impose such fines for neglect of duty in office, not exceeding fifty dollars, as they shall deem necessary: they are also hereby empowered to lay and collect such fine or fines, not exceeding ten dollars, for a breach or breaches of their by-laws as they may deem proper: *Provided always*, that in all cases where they impose a greater fine than two dollars, an appeal shall be from their decision to the circuit court of Greene county; and all fines imposed and collected by said corporation shall be paid to the treasurer for the benefit of said town.

May appoint officers.

Fines.

Proviso.

Sec. 4. *And be it further enacted*, That the said corporation shall have full power and authority, annually, to levy and assess a tax not exceeding one-fourth of one per cent. upon the value of all real property in said town, to be assessed by the assessor and collector according to such regulations as they may deem necessary and proper; they shall also have power to lay and collect a poll tax not exceeding one dollar on each white male inhabitant in said town, above the age of twenty-one years: *Provided*, he shall have resided within said town three months immediately preceding the time the tax shall have been laid. They shall have power also to lay and collect a tax on all four-wheeled pleasure carriages, not exceeding one dollar; also on retailers of spirituous liquors, goods, wares and merchandise, or either of them, not exceeding ten dollars per annum; and no other corporation taxes than there specified in this act shall be laid or collected in said town.

May lay a tax.

Sec. 5. *And be it further enacted*, That where any vacancy or vacancies shall happen in the board of councillors, by death, resignation or otherwise, such vacancies shall be filled by the board, and the member or members so added, shall continue in office until the succeeding annual election; and if there should be a failure to hold the annual election for councillors on the day mentioned in this act for that purpose, it shall be lawful to hold said election at any time within one month after; and the board of

Vacancies, how filled.

councillors in office anterior to every such election, shall not be dissolved until such election shall be held and the councillors elected duly qualified.

Clerk to be appointed. His duties.

Sec. 6. *And be it further enacted*, That the said intendant and council shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings, and to publish the same, and all by-laws and ordinances, in some public newspaper, or at three several public places in said town.

Oath to be taken.

Sec. 7. *And be it further enacted*, That the intendant and councillors first appointed or elected under this act, and their successors in office, shall severally, before they enter on the duties thereof, take an oath before some justice of the peace, that they will faithfully discharge the duties to them committed, without favor; a certificate of which oath shall be filed with the clerk of the board of councillors.

Where filed.

Qualifications of electors.

Sec. 8. *And be it further enacted*, That all white male persons above the age of twenty-one years, who shall have resided within the limits of said town, six months immediately preceding an election for councillors, and all landholders and freeholders therein, shall be deemed qualified electors at such election.

Councillors *ex-officio* Justices of Peace.

Sec. 9. *And be it further enacted*, That each and every person who may be elected a councillor for said town, shall be *ex-officio* a justice of the peace during the time he may continue in office within the limits of said town, for the purpose of executing and carrying into effect the by-laws and ordinances of said corporation.

Exemption from road duty.

Sec. 10. *And be it further enacted*, That all persons residing within the limits of the said corporation, shall be wholly exempt from working on roads or performing road duty of any kind without said limits.

Repeal.

Sec. 11. *And be it further enacted*, That all acts or parts of acts not embraced by this act, or contrary thereto, be, and the same are hereby repealed. Approved, January 21, 1832.

AN ACT

To incorporate the Cahawba Guards, and for other Purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Cahawba Guards in the county of Dallas be, and they are hereby constituted an independent company, subject to the control of the commander-in-chief only: *Provided*, they shall muster at least twelve times during each year.

Cahawba Guards incorporated.

May adopt by-laws.

Sec. 2. *And be it further enacted*, That the said Cahawba Guards are hereby authorized to adopt any by-laws or constitution for their own government, not repugnant to the laws of this State or the United States, which shall be obligatory on the members of said company until repealed.

Fines and subscriptions.

Sec. 3. *And be it further enacted*, That all monies collected by any officer for fines assessed against any member of said company, or subscription as honorary members of said company, shall be paid over to the person authorized by said company to

receive the same, and all moneys so arising shall belong exclusively to the said company, and be entirely under their control.

Sec. 4. *And be it further enacted*, That said company shall consist of not less than thirty nor more than one hundred regular members, and not more than fifty honorary members. No. of members

Sec. 5. *And be it further enacted*, That the said volunteer company may elect a second lieutenant, in addition to the officers already authorized. 2d Lieutenant

Sec. 6. *And be it further enacted*, That the said company shall not be under any other power of patrol, but that they shall be considered individually and collectively, as may be determined by their by-laws and regulations, as a special patrol. To be considered a special patrol.

Sec. 7. *And be it further enacted*, That in order that the said company may be perpetuated and augmented, even after the present excitement may cease, that the members thereof are hereby exempted from working on roads and serving on juries. Exemption

Sec. 8. *And be it further enacted*, That a certificate from the commanding officer of said company, that the bearer thereof is a regular or honorary member of said company, shall exempt the said bearer from performing militia or patrol duties, in any other regiment or company in this State. Not liable to military or patrol duties in other regiments.

Sec. 9. *And be it further enacted*, That all regular or active members of said company, when on duty, shall be authorized to pass, either during day or night, any ferry or ferries belonging to the State, without payment of any ferriage or toll; and any person renting any of said ferries of said State, shall be compelled to set any of the members aforesaid over said rivers, at any hour, under the penalties to perform his duties during the day. When on duty may pass any State ferry without paying.

Sec. 10. *And be it further enacted*, That all the provisions of this act, in relation to the Cahawba Guards, their duties, liabilities and privileges, shall extend, and be allowed to the Florence Artillery Company. Florence Artillery.

Approved, December 28, 1831.

AN ACT

To revive and amend an Act entitled an Act to incorporate the Trustees of Tuscumbia Academy, in Franklin County, approved January 13, 1826. 1832

Whereas, the trustees of Tuscumbia Academy, appointed and incorporated by the act to which this is an amendment, have ceased to act as such, and a majority of the survivors of said trustees having removed from this State without having appointed or elected successors—

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Philip G. Godly, Sterling R. Cockrill, William H. Wharton, Branham Merrill, David Deshler, Thomas Keenan and Micajah Tarver, and their successors in office, appointed or elected, or to be appointed or elected, according to the rules or regulations of said Academy, shall be, and they are hereby incorporated as a body politic and corporate, in deed and in law, by the name and style of the Trustees of the Tuscumbia Academy. Tuscumbia Academy incorporated.

Sec. 2. *And be it further enacted*, That the second and third sections of the act to which this is an amendment, be, and the same are hereby revived, and the trustees hereby appointed, shall possess all the rights, powers and privileges granted to the trustees of said academy appointed by the act to which this is an amendment.

Approved, January 13, 1832.

AN ACT

To incorporate the Town of Centreville, in the County of Bibb.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of Centreville, in the countyof Bibb, be, and the same is hereby incorporated.

Centreville incorporated.

Boundaries of corporation

Sec. 2. *And be it further enacted*, That the boundaries of siad town, as incorporated by the first section of this act, shall be as follows, to wit: beginning at the junction of the first branch, above John Henry's dwelling house, with the river Cahawba, thence up said branch to the boundary line of the tract of land on which the seat of justice is located, thence with the boundary of said tract of land running north, and continuing round said tract of land, to the place where the road leading from the county ferry on Cahawba river to the court house, intersects said boundary line, thence with said road to the river Cahawba, thence up said river to the beginning.

Trustees to be elected.

Sec. 3. *And be it further enacted*, That all free white male persons of said town, living and residing within said incorporation, above the age of twenty-one years, are hereby authorized to vote for five persons residing in the town limits, as trustees of the corporation, who are empowered to superintend the police of said town, by passing such by-laws not contrary to the laws of the United States or of this State, as they may think proper, for the government of said town, and for the suppression and removal of nuisances, laying off and repairing the streets and ways as may be within the abovementioned boundaries.

Powers

May lay a tax

Sec. 4. *And be it further enacted*, That the said trustees, or a majority of them, are hereby authorized to assess such taxes on all property lying within the limits of said incorporation, as they may think proper, for all the purposes of a proper police.

Constable to be appointed

Sec. 5. *And be it further enacted*, That there shall be a constable appointed within the limits of said incorporation, whose duty it shall be to collect the aforesaid taxes, and to whom the taxes aforesaid shall be given in upon oath; and the said constable shall receive such per centum as is received by tax collectors in similar cases.

Election for trustees

Sec. 6. *And be it further enacted*, That the election for trustees shall be held on the third Monday in February next, and forever thereafter, on the same day in each succeeding year, from twelve o'clock A. M. until four o'clock P. M. under the direction of a justice of the peace of said county and two householders or freeholders, in such place in said town as said justice of the peace may direct.

Sec. 7. *And be it further enacted*, That if vacancies occur in said board of trustees, such vacancies shall be filled by the remaining members of the board of trustees, and the member or members so added, shall continue in office until the succeeding annual election. Vacancies

Sec. 8. *And be it further enacted*, That the said trustees and town constable, shall, before they enter on the duties of their respective offices, take an oath before some person qualified to administer the same, faithfully and correctly to discharge the duties to them committed, according to their best abilities, without favor or partiality. Oath to be taken

Sec. 9. *And be it further enacted*, That the said corporation shall have power to appoint patrols within the limits of said town, whenever it may appear to them necessary, and to impose fines and penalties for the non-performance of the duties prescribed for said patrols. Corporation may appoint patrols, and impose fines.

Sec. 10. *And be it further enacted*, That all persons living within said incorporation, shall be exempt from working on any roads other than those within the limits of said incorporation. Exemption from road duty

Approved, January 21, 1832.

AN ACT

To incorporate the Big Prairie Creek Navigation Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James Pickens, Charles D. Connor, Frederick Ravesies, Samuel Strudwick, Thomas M'Gee and Joseph B. Chambers, be, and they are hereby appointed commissioners, with power to open books at the town of Arcola, in the county of Marengo, and at such other place or places as they may think proper, to receive snbscriptions of stock in the Big Prairie Creek Navigation Company, in shares of twenty-five dollars each. Commissioners appointed; Subscriptions

Sec. 2. *And be it further enacted*, That said subscribers be, and they are hereby created a body politic and corporate, by the name and style of the Big Prairie Creek Navigation Company, with all the powers, rights, privileges and immunities usual and incidental to bodies corporate and politic, subject to the rules, regulations and restrictions hereinaftermentioned, with power to purchase, hold and dispose of, for the benefit of said corporation, real, personal or mixed estates, not exceeding double the amount of stock subscribed. Style of incorporation; Powers

Sec. 3. *And be it further enacted*, That for the management of the affairs of said corporation, there shall be elected five directors annually, in the town of Arcola, or such other place as may be designated, on the first Monday in May in each year, by said subscribers and stockholders, and the directors thus elected shall serve for one year, and said board shall annually, at the first meeting after their election, elect one of their members to be president of the corporation, who shall hold the said office during the said period for which the directors are elected as aforesaid, and until their successors are qualified: *Provided*, that in case of the death, Directors to be elected; Term of service; President to be elected; Vacancies

removal or resignation of the president of said corporation, or his absence from the State for more than six months, the directors shall proceed to elect another president, from the directors as aforesaid, and in case of the death, removal, resignation or election to the presidency of a director, the vacancy may be supplied by the board.

When $1,000 is subscribed, notice to be given.

Sec. 4. *And be it further enacted*, That as soon as the sum of one thousand dollars shall be subscribed, notice thereof shall be given by the commissioners in some newspaper published in the town of Tuscaloosa; and the said commissioners shall, at the same time and in like manner, notify a time and place at James Pickens' mill, at the distance of ten days from the time of such notification, for proceeding to the election of five directors, and the election then and there made shall be lawful, and the persons so elected shall be the first directors of said company, and shall proceed to the election of a president as aforesaid; and the president and directors so elected, shall be capable of serving in their respective offices, by virtue thereof, until the end and expiration of the first day of May next ensuing said election; and they shall thenceforth commence and continue the operations of said company.

Election

Quorum

Sec. 5. *And be it further enacted*, That not less than three directors shall constitute a board to do business, of whom the president shall always be one, except in cases of sickness or necessary absence, in which case his place may be supplied by another director, whom he may depute in writing for that purpose; and the director so appointed may do and transact all the necessary business belonging to the office of the president, during the continuance of the sickness or necessary absence of the president.

Directors may call a meeting of the stockholders.

Sec. 6. *And be it further enacted*, That it shall be lawful for the directors to call a general meeting of the stockholders, at any time they may deem it necessary and expedient, and any number of stockholders, not less than five, who together shall be the proprietors of fifty shares or upwards, shall have power at any time to call a general meeting of the stockholders, for the transaction of the business of the corporation, giving at least two weeks' notice in some public newspaper, and specifying the objects of said meeting. The officers of the corporation shall, previous to entering upon the duties of their respective offices, give bond and security in such form as the directors may direct, for the faithful performance of their duties respectively.

Notice

Officers to give bond

Navigation, how far to extend.

Sec. 7. *And be it further enacted*, That said corporation shall have power and authority to open and improve the navigation of Big Prairie creek, from its mouth up to James Pickens' mill, on said creek, by removing the obstructions therein, opening canal or canals, or in such other way as they may deem most expedient: *Provided*, that no such improvement shall be made on the property of others without the consent of the owner or owners, obtained for that purpose.

Proviso

When owner of land refuses to consent, how proceeded against

Sec. 8. *And be it further enacted*, That if said corporation cannot obtain the consent of the owner or owners of land through

which the said improvement may pass, it shall be lawful for said corporation to apply for and obtain a writ of *ad quod damnum*, as in other cases, to the sheriff of Marengo county or Greene county, whose duty it shall be to summon a jury of twelve freeholders in said county, and cause an inquest to be taken of so much land as may be necessary for the corporation to progress with their operations, and all other damages which the owner thereof may sustain, which inquest shall be returned to the county court of the respective county in which the said land may lie, at the next succeeding term; and the clerk of said court shall, at the request of the president of said corporation, issue summons directed to the sheriff, directing him to summon the proprietors of said land condemned as aforesaid, to shew cause why judgement should not be rendered by said county court, vesting the title of said land in the corporation.

County Court may confirm condemnation.

Sec. 9. *And be it further enacted*, That the said county court shall have power to confirm the inquisition of said jury, or quash the same, for good cause shewn; and if confirmed, to vest the fee simple in said land, as the said president, directors and company, and their successors, upon their payment of the value of said land assessed by said jury aforesaid.

May take appeal.

Sec. 10. *And be it further enacted*, That if either party shall consider themselves aggrieved by the judgement of said court, they shall have the right of appeal to the next term of the circuit court, which shall be granted by said county court, upon the party praying the appeal, entering into bond and security, approved by said court, to prosecute such appeal with effect.

Toll

Sec. 11. *And be it further enacted*, That whenever said creek shall be rendered navigable for boats drawing ten inches of water, and so long as said creek shall be kept thus navigable, it shall be lawful for said corporation to demand and receive toll on all boats navigating the same, between the mouth of said creek and James Pickens' mill, at the following rates: not exceeding two dollars for each ton freight which said boat carries.

Penalty for obstructing navigation

Sec. 12. *And be it further enacted*, That if any person shall obstruct said navigation, by felling trees in said creek or otherwise, he, she or they so offending, shall forfeit and pay to the said corporation, double the amount of damages, which may be assessed by a jury in any court of record having jurisdiction thereof.

Approved, January 21, 1832.

AN ACT

Amendatory of an Act entitled an Act to amend an Act to incorporate the School Commissioners of the Fourth Township and Eighth Range, west, and for other Purposes.

Repeal

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of an act to which this is an amendment, as fixes the minimum price of the sixteenth section in said township at twelve dollars per acre, be, and the same is hereby repealed; and that the said school commissioners shall cause the said lots of said

section remaining unsold to be surveyed, and shall cause a fair plat to be made out by the surveyor, and that Murray De Graffenreed, Turner Sanders and Thomas Gibson, be, and they are hereby appointed commissioners, to fix a minimum price on each lot, after having first sworn truly to value the several lots so surveyed, and to fix the minimum price thereon.

Commissioners appointed to fix a minimum

Sec. 2. *And be it further enacted*, That the said school commissioners are hereby authorized to sell and convey, in fee simple, the part of said section which remains unsold, under all the other rules and regulations of the different acts heretofore not repealed by this or some other act.

School Commissioners authorized to sell and convey

Sec. 3. *And be it further enacted*, That the judge of the county court of Lawrence county, shall be authorized to fill any vacancy among those appointed to value said section, occasioned by death, resignation or refusal to act.

Vacancies, how filled

Approved, January 12, 1832.

AN ACT

To incorporate the Montgomery Volunteer Company, under the Style of the Montgomery Huzzars.

Section 1. *Be it enacted by the Senate and House of Representatives of the State Alabama in General Assembly convened*, That Captain Hugh W. Henry, Lieutenant Cornelius Robinson, Cornet James R. Conyars, and their associates in said volunteer company of the county of Montgomery, be, and they are hereby incorporated under the name and style of the Montgomery Huzzars, with power to pass such by-laws for the government of said company as may be deemed necessary.

Sec. 2. *And be it further enacted*, That the members of said company be, and they are hereby exempted from all jury duty.

Exemption

Approved, January 19, 1832.

AN ACT

To incorporate the Washington Light Infantry in the County of Autauga.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Captain Timothy W. Matthews, Lieutenant John W. Price, and Ensign William May, and their successors in office, and the non-commissioned officers and privates composing the Washington Light Infantry, be, and the same are hereby declared to be a body politic and corporate, under the same rules and regulations, powers and restrictions, prescribed in an act to incorporate a volunteer corps of infantry in the city of Mobile, to be styled the Mobile Republican Greens, passed December 15, 1824: *Provided*, that the said volunteer company styled the Washington Light Infantry, shall be attached to the second battalion of the forty-seventh regiment, in the thirteenth brigade, third divison of Alabama militia.

Washington Light Infantry incorporated

Proviso

Sec. 2. *And be it further enacted*, That the privates within the bounds of the twenty-third regiment, in the said county of Autauga, shall be authorized to become members of said Washington Light Infantry: *Provided*, that no militia company in said twenty-third regiment shall be reduced to a less number than forty privates.

Privates of 23d Regiment may become members

Sec. 3. *And be it further enacted*, That the said Washington Light Infantry shall be exempt from attending the regimental drills or musters of the forty-seventh regiment: *Provided*, that they shall hold six company musters annually, and attend the battalion drills and musters of the second battalion in said regiment. Exemption Proviso.

Approved, January 3, 1832.

AN ACT

To incorporate the Moulton Female Academy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William Leach, John S. White, David M. Hunter, Byrd Lynthacum, William L. Ponder, John M. Jackson, John H. Lawson, William Pruett and John Gallagher, trustees of the Moulton Female Academy, and their successors in office, elected according to the rules of said trustees, shall be, and they are hereby incorporated, with their associates and subscribers to said academy, with all the powers and privileges given to the trustees of the Athens Female Academy, in the county of Limestone, by an act approved December 9, 1822. Moulton Female Academy incorporated

Approved, January 21, 1832.

AN ACT

To incorporate the Mobile Manufacturing Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William Jones, jr. and Joseph E. Sheffield, of Mobile, and their associates, be, and they are hereby constituted and appointed a body corporate, by the name and style of the "Mobile Manufacturing Company;" and by that name shall be, and they are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels, merchandise and effects of whatever kind, nature and quality; and the same to sell, grant, demise, alien and dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, action, matter or thing depending in any court of law or equity; and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure; and also to ordain, establish and put in execution, such by-laws, ordinances and regulations as they shall deem necessary and convenient for the government of said corporation, not being contrary to the constitution and laws thereof, or the laws of the United States; and generally to do and execute all and singular the acts, matters and things, which to them may appear necessary, or which to them it may appertain to do as incident to bodies corporate. Incorporation Style Powers

Sec. 2. *And be it further enacted*, That the capital stock of said corporation, created by this act, shall not exceed the sum of two hundred thousand dollars: *Provided always*, that it shall not be lawful for said corporation to use any part of its capital stock or funds for banking purposes: *Provided*, the said corporation shall not purchase or own more real estate than may be necessary to enable the company to carry on the said manufactory. Capital. Proviso.

Approved, January 21, 1832.

AN ACT

To incorporate the Town of Hayneville.

Hayneville incorporated

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the town of Hayneville, in the county of Lowndes, be, and the same is hereby incorporated, and that all that territory lying and being within one quarter of a mile of the public square, be, and the same is hereby declared to be within the limits of the same.

Election for Councillors, how and when held

Sec. 2. *And be it further enacted,* That from and immediately after the passage of this act, an election shall be held for five councillors, at some convenient and public place in said town, and on the first Monday in January in each and every succeeding year, who shall serve for the term of one year after they have been elected; the first election will be conducted by James Lafayette Cotrill and Robert H. Stanley, and every succeeding election shall be held by any two of the then acting councillors; and the councillors elected shall on the day succeeding their election, in each and every year, meet and elect, by a majority of votes, from their own body, an intendant, whose duty it shall be to preside at all meetings of the councillors, and in his absence or incompetency to attend, any member may be called to the chair; a majority of said board of councillors shall be competent to do business; and the said board is hereby constituted and declared to be a body politic and corporate, by the name of the "Intendant and Council of the Town of Hayneville;" and by that name shall have and enjoy all the rights, powers and privileges, and be subject to all the liabilities that are incident to bodies corporate.

Intendant to be elected

Style

Corporation may make by-laws, &c

Sec. 3. *And be it further enacted,* That the corporation shall have full and complete power to make by-laws and ordinances of whatever kind, and upon whatever subjects to them may seem right and proper, for the good government of said town, and to affix such fines and penalties as may be deemed necessary to enforce the same, not contrary to the constitution and laws of this State and of the United States.

To raise revenue

Sec. 4. *And be it further enacted,* That the said corporation shall have full and ample power to raise suitable revenue to carry into effect all the objects of the corporation, by designating and declaring by ordinance what property shall be subject to taxation, in what sums, and in what manner the same shall be assessed and collected.

To appoint officers

Sec. 5. *And be it further enacted,* That the said corporation shall appoint a town marshal, and such other officers as may be deemed necessary.

Intendant and Councillors *ex-officio* Justices of the Peace

Sec. 6. *And be it further enacted,* That the said intendant and each of the said councillors shall *ex-officio* be vested with all the powers and authorities that justices of the peace are by the laws of this State, and shall and may exercise the same within the limits of said town, and the said marshal shall *ex-officio* be constable, and be vested with all the powers and authorities that con-

Marshal *ex-officio* Constable

stables of the county are by the laws of this State, within the limits of said town, and the intendant and councillors shall be liable to the same penalties and restrictions as justices of the peace are, and the marshal shall be liable in like manner as are constables.

Vacancies, how filled.

Sec. 7. *And be it further enacted*, That if vacancies occur in the said board of councillors, such vacancies shall be filled by the remaining members of the board; and the member or members so added shall continue in office until the succeeding annual election: and the intendant, councillors and other officers shall continue in office until their successors are qualified.

Oath of office.

Sec. 8. *And be it further enacted*, That the said intendant, councillors and other officers, shall, before they enter on the duties of their respective offices, take an oath before some person qualified to administer the same, faithfully and correctly to discharge the duties to them committed, according to their best abilities, without favor or partiality.

May appoint patrols and impose fines.

Sec. 9. *And be it further enacted*, That the said corporation shall have power to appoint patrols within the limits of said town, whenever it may appear to them to be necessary, and to impose fines and penalties for the non-performance of the duties prescribed for said patrols.

Exempt from road duty.

Sec. 10. *And be it further enacted*, That all persons living within said incorporation, shall be exempt from working on roads other than those within the limits of said incorporation.

Commissioners

Sec. 11. *And be it further enacted*, That Seymour Powell, James Lafayette Cottrill and Robert H. Stanley, be appointed commissioners to approve of securities required to be given by the officers appointed under and by virtue of this act.

Approved, December 15, 1831.

AN ACT

To incorporate the Town Larkinsville, in Jackson County, and Town of Irwinton, in Pike County.

1832

Larkinsville incorporated

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of Larkinsville, in Jackson county, be, and the same is hereby incorporated, including all and agreeably to the plan of the said town.

Councillors to be elected

Sec. 2. *And be it further enacted*, That an election shall be held at some convenient house in the said town, on the third Monday of February next, and annually thereafter; the poll to be opened at eleven o'clock in the morning, and close at one o'clock in the evening, for the purpose of electing by ballot five councillors, inhabitants of said town, who shall serve for the term of one year after they shall have been elected: the first election shall be managed by a justice of the peace and two householders, citizens of said town, and all subsequent elections shall be managed by two of the councillors, to be appointed by the board for that purpose; and the said councillors shall, on the next day after each election in each year, meet and elect, by a majority of votes,

Term of service.

Elections, how held

from their own body, an intendant, whose duty it shall be to preside and keep order at all meetings of the said councillors, and in his absence any other member may be called to the chair; and the said intendant and councillors shall be, and they are hereby constituted a body corporate, by the name and style of "The Intendant and Council of the Town of Larkinsville;" and by that name they and their successors shall be capable in law of suing and being sued, of pleading and being impleaded, in all manner of suits, either in law or in equity; also to have and keep a common seal, and the same to break, alter or amend at pleasure; and in general to do all acts which are incident to bodies corporate, and to purchase, hold and dispose of, for the benefit of said town, real, personal, or mixed property, to the amount of ten thousand dollars.

Intendant to be elected

Style

Powers

Further powers

Sec. 3. *And be it further enacted*, That the said corporation shall have power to pass by-laws and ordinances necessary to preserve the health of said town; to prevent and remove nuisances; to establish patrols; to clear and keep in repair the streets and alleys; to have a general control and superintendence over the springs and wells of said town; to erect and regulate markets; in general to pass such by-laws, not contrary to the constitution of this State, and the laws thereof, as the said corporation from time to time shall deem expedient to carry into effect the meaning and intent of this act, and the same to put in execution, to revoke and alter as the said corporation shall deem expedient: and the said corporation shall have power to appoint a treasurer, assessor, collector and constable, and such other subordinate officers as they may think necessary; and by ordinance to require such security from the several officers so appointed, to annex such fees to the several offices as they may deem necessary, and to impose a fine for misfeasance, malfeasance or nonfeasance in office, at their discretion, not exceeding twenty dollars. They are hereby also empowered to ordain such penalty or penalties, not exceeding five dollars, for a breach or breaches of their by-laws, as they may deem proper; and all fines by them imposed shall be sued for in the name of the corporation, before any justice of the peace of said county, or intendant or councillors of said town.

May appoint officers

Fees

Fines

May levy a tax.

Sec. 4. *And be it further enacted*, That the said intendant and council are hereby authorized annually, to levy, and cause to be assessed and collected, a tax not exceeding one per centum on the value of all the real property in said town, to be assessed by the assessor according to such regulations as they may deem necessary: they shall also have power to levy, and cause to be assessed and collected, a poll tax not exceeding two dollars on each white male inhabitant in said town above the age of twenty-one years, who shall have resided in said town three months immediately preceding the time of levying said tax; also on retailers of spirituous liquors, goods, wares, merchandise, or either of them, not exceeding five dollars per annum; and also on all owners of slaves, not exceeding one dollar for each slave.

Sec. 5. *And be it further enacted*, That when any vacancy shall occur in the board of councillors, such vacancy shall be filled by the board; and the member or members so appointed shall continue in office until the next annual election. Vacancies

Sec. 6. *And be it further enacted*, That should the election not be held on the day herein fixed for the annual election of councillors, the board shall not for that cause be dissolved, but the incumbents shall remain in office until their successors shall be elected and qualified; and it shall be the duty of the board to fix some other day within one month thereafter, on which day two of the councillors shall attend and hold an election for councillors. Failure to hold election not to dissolve board.

Sec. 7. *And be it further enacted*, That the said intendant and council shall appoint a clerk, whose duty it shall be to keep a fair record of their proceedings, and to publish the same, and all laws and ordinances, at three public places in said town. Clerk to be appointed.

Sec. 8. *And be it further enacted*, That the intendant and councillors first appointed, and their successors, shall, before they enter upon the duties of their office, take an oath before some person qualified to administer the same, that they will faithfully discharge the duties to them committed, without favor, partiality, or prejudice. Oaths of office

Sec. 9. *And be it further enacted*, That all white male persons above the age of twenty-one years, who shall have resided within the limits of said town three months immediately preceding an election for councillors, and all freeholders therein, shall be deemed qualified electors at such election. Qualified electors

Sec. 10. *And be it further enacted*, That the town of Irwinton, in the county of Pike, be, and the same is hereby incorporated agreeably to the plan of said town, with all powers and privileges, and subject to the same regulations and restrictions, as are by law prescribed for the incorporation and government of the town of Larkinsville, in the county of Jackson. Irwinton incorporated

Approved, January 19, 1832.

AN ACT

To incorporate the Florence Bridge Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the persons who may become stockholders in the Florence Bridge Company, according to the provisions of this act, be, and they are hereby created a body politic and corporate, by the name and style of the President, Directors and Company of the Florence Bridge Company, with power to hold real and personal estate, to sue and be sued, plead and be impleaded in any court of law or equity; to have and employ a common seal, and to alter the same at pleasure; to make, amend and repeal all necessary and proper by-laws for the government of said corporation, not inconsistent with the laws and constitution of this State. Company incorporated. Style. Powers

Sec. 2. *And be it further enacted*, That the stock of said corporation shall be divided into shares of one hundred dollars each; Stock to be divided into shares

and when there shall be subscribed the sum of sixty thousand dollars, the owners of the ferry across the Tennessee river, at said town of Florence, shall be permitted to subscribe their respective shares or interests in said ferry and ferry landings, at the rate of thirty-five thousand dollars for the whole; and the interest so subscribed shall become a part of the capital and joint stock of said corporation; and when the whole interest in said ferry and landings shall be subscribed or condemned, according to the provisions of this act, the said corporation shall be vested with the whole title thereto, both in law and equity, to be held by them and their heirs and successors forever, upon the completion of the bridge according to this act.

After a subscription of $60,000, the owners of the ferry at Florence may subscribe.

Title vested in incorporation.

Commissioners appointed to receive subscriptions.

Sec. 3. *And be it further enacted*, That John J. Winston, Abram D. Hunt and John M'Kinley, be, and they are hereby appointed commissioners to receive subscriptions for the purpose of erecting a bridge across the Tennessee river at said town of Florence, whose duty it shall be to open books for the subscription of stock, at the Eagle Hotel in said town of Florence, on the third Monday in April, 1832, and to keep said books open until the sum of sixty thousand dollars shall be subscribed.

When to call a meeting of stockholders to elect a President and Directors.

Sec. 4. *And be it further enacted*, That when the sum of sixty thousand dollars shall be subscribed, exclusive of said ferry, it shall be the duty of said commissioners to call a meeting of said stockholders, for the purpose of electing a president and four directors of said bridge company. And said president and directors, when elected, shall take an oath faithfully to discharge the duties of directors of said corporation, and continue in office for one year, and until their successors shall be duly qualified.

Oath of office

President and directors authorized to make contracts, appoint officers, &c.

Sec. 5. *And be it further enacted*, That said president and directors shall have power to make and perform all necessary contracts for erecting said bridge, and carrying on all other business of said corporation; and they shall have power to appoint all officers, and employ such servants as may be necessary for managing the affairs of said corporation; and that the stockholders shall be individually liable in proportion to their respective shares, for all contracts made, bonds, bills, notes executed by said president and directors in the name of said corporation, whether the same be nnder its seal or not.

Stockholders, how far liable.

Failure to pay instalments.

Sec. 6. *And be it further enacted*, That if any subscriber of stock, in said bridge company, shall fail to pay his instalments as required by said president and directors, they shall have power to declare such shares forfeited to the company; and after giving thirty days' public notice, to offer them for sale at public auction, for ready money, or so many as will be sufficient to pay the amount then due and called in. A sale thus made shall vest the purchaser with all the rights of the original holder, but shall not release such holder from the payment of any balance that may be due on his subscription, should the stock sold produce less than the whole amount subscribed therefor; and should the money called in, be paid before a sale actually takes place, together with the

costs incurred preparatory to such sale, it shall restore the stock to the original holder, notwithstanding the forfeiture.

Rates of toll

Sec. 7. *And be it further enacted*, That the rates of toll for crossing on said bridge, shall never exceed the present rates of ferriage at said ferry. And until said bridge shall be completed, the owners of said ferry shall enjoy all the profits arising therefrom, notwithstanding they may have subscribed the interest therein as stock in said bridge company.

Meetings of the corporation.

Sec. 8. *And be it further enacted*, That said corporation shall and may hold annual meetings of the stockholders, at which the president and directors shall lay before them an account of their proceedings of the preceding year, shewing all disbursements and receipts of said corporation; at which or some other general meeting of said stockholders, the president and directors of said company shall be elected, and at such meeting only shall the capital stock of said bridge company be increased: *Provided*, that said company shall in no case exercise banking privileges.

President and directors to report.

Increase of capital.

Proviso

Approved, January 12, 1832.

AN ACT

To incorporate the Tennessee and Alabama Railroad Company.

Commissioners for opening books of subscription.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Lewis Judson, Henry Hitchcock, Jonathan Hunt, James E. Sheffield, A. W. Gordon, T. Casey, T. Sandford, Philip M'Losky, William Jones, jr. B. Ames, A. H. Gazzam, Jack F. Ross, Edward Hall, Jonathan Emanuel, W. R. Hallet, J. Bloodgood, Samuel St John, jr. Geo. Greer, Isaac Meeker, D. White, M. D. Eslava, V. Garrard, Jos. Campbell, W. H. Robinson, Henry Stickney, H. V. Chamberlain, M. Durand, Geo. Poe, jr. Robert E. Center, S. H. Garrow, W. D. Stone, A. Pope, Jas. W. Roper, J. K. Collins, Benj. Vincent, W. Moore, W. Quigly, R. Martineau, Moses Ryan, T. P. Norris, A. F. Stone, Hugh Monroe, Capt. Geo. Davis, C. Barney, Patrick M'Losky, W. F. Cleaveland, Abner S. Lipscomb, J. B. Toulmin, W. Austin, N. F. Williams, Tom Lane, C. Batre, P. P. Rea, Samuel Acre, John Elliot, of Mobile; Daniel E. Watrous, Edmund King, Samuel W. Mardis, of Shelby county; and E. Sims, James Hogan, J. L. Tindall, of Tuscaloosa county; Thomas H. Herndon, Moses Lewis, Benjamin Dorman, John C. Phares, Frederick Peck and Geo. Hays, of Greene county; Thomas Crawford, Samuel W. Davidson and Anthony Stoutenborough, of Bibb county; Y. C. Woodward, Vestol Beeson and P. D. Clack, of Blount county; Gilbert Shearer, William Johnson, James Douglass, Joseph Pickens, Hugh Ferguson, George Phillips, Benj. L. Sanders, P. J. Weaver, John A. Tarver, John Tipton, Francis Ford, John H. Miller, Matt. McLaughlin, James M. Calhoun, John J. Crocheron, U. G. Mitchell, Jesse Beene, William Taylor and S. J. Sorrell, of Dallas county; Jno. W. Freeman, William Sayre, John Gindrat, Charles T. Pollard, Daniel Carpenter, John Martin, Abner McGhee, William Taylor, Thomas

Cowles and William McLemore, of Montgomery county; John A. Elmore, Bolling Hall, Lewis Tyus and Eli Terry, of the county of Autauga; A. Sloan, John H. Garrett and Abraham Greene, of St Clair county; James Turk, C. B. Hudson, George Caperton, Andrew Moore, Matthew Allen, David Larkins and G. W. Higgins, of Jackson county; John Brown (red,) John Cantly, S. S. Earle, Jonathan Steel, S. W. Hall, Peyton King, E. W. Peck, John Thomas, Darby Henley, Octavious Spencer, Mortimer Jordan, John B. Ayers, Benjamin Mattison, W. K. Baylor, Isham Harrison, of Jefferson county; Wm. Barren, David M'Cullough, Levi Langdon, Dunklin Sullivan, Geo. Weisinger, Edwin D. King, Temple Lee, David Weaver, Wm. Ford, David Cole, and Jno. Lockhart, of the county of Perry, be, and they are hereby appointed commissioners, any thirteen of whom shall be competent to act, and do all business necessary to be done by virtue of this act of incorporation, under the direction of a majority of whom subscriptions may be received to the capital stock of the Tennessee and Alabama Railroad Company hereby incorporated; and they shall cause books to be opened at such times and places as they may direct, for the purpose of receiving subscriptions to the capital stock of said company, after having given such notice of the times and places of opening the same as they may deem proper; and that upon the first opening of said books, they shall be kept open at least for ten successive days, from ten o'clock A. M. until two o'clock P. M.; and if at the expiration of that period, such a subscription to the capital stock of said company as is necessary to its incorporation shall not have been obtained, the said commissioners, or a majority of them, may cause the said books to be opened from time to time, after the expiration of the said ten days, for the space of twelve months thereafter, or until the sum necessary to the incorporation of the company shall be subscribed, if sooner subscribed; and if any of the said commissioners shall die, resign, or refuse to act, during the continuance of the duties devolved upon them by this act, another may be appointed in his stead by the remaining commissioners, or a majority of them.

Vacancies, how filled.

Sec. 2. *And be it further enacted*, That the capital stock of the said Tennessee and Alabama Railroad Company, shall not be exceeding three millions of dollars, in shares of one hundred dollars each; and that as soon as five thousand shares of the said capital stock shall be subscribed, the subscribers of the said stock, their successors and assigns, shall be, and they are hereby declared to be incorporated into a company, by the name of the Tennessee and Alabama Railroad Company, and by that name shall be capable in law of purchasing, holding, leasing, selling and conveying estates, real, personal and mixed, so far as shall be necessary for the purposes hereinaftermentioned, and by said incorporate name, may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court of law or equity in this State or elsewhere; to have and use a common seal, to alter and change the same at pleasure; to pass such by-laws,

Corporate powers

rules and ordinances for the good government of said corporation as to them may seem proper; and generally to do and exercise all acts, matters and things necessary to carry into full and complete effect all the objects of this act.

Paym'nt on stock

Sec. 3. *And be it further enacted*, That every such subscription shall be paid in such instalments and at such times, as may be required by the president and directors of said company: *Provided*, that not more than one third of the subscription be demanded in any one year from the commencement of the work, nor any payment demanded until at least sixty days' public notice of such demand shall have been given by the said president and directors; and if any subscriber shall fail or neglect to pay any instalment or part of said subscription thus demanded, for the space of sixty days next after the same shall be due and payable, the stock on which it is demanded shall be forfeited to the company, and may be sold by said president and directors for the benefit of the company; but the president and directors may remit any such forfeiture as they shall deem proper.

Comr's appointed, to continue one year from opening of books.

Sec. 4. *And be it further enacted*, That the commissioners appointed in the first section of this act, shall be and continue in office for one year from the first opening of books for subscriptions of this company; and that at the expiration of the ten days for which the books are first opened, if five thousand shares of said capital stock shall have been subscribed, or if not, as soon thereafter as the same shall be subscribed, the said commissioners shall meet at some proper and convenient place, giving thirty days' notice thereof, and take upon themselves the management of the affairs of said company: *Provided*, that no one of the commissioners beforenamed, shall be eligible to act as such, unless he be a *bona fide* stockholder in said company.

Proviso

To organize meeting. Election of President & directors Votes apportioned.

Sec. 5. *And be it further enacted*, That at the expiration of one year from the time at which the books were first opened, the said commissioners shall call a general meeting of the subscribers, at such time and place as they may appoint, and shall give at least thirty days' public notice thereof; and at such meeting the said commissioners shall lay the subscription books before the subscribers then and there present; and thereupon the said subscribers, or a majority of them in value, shall elect thirteen directors, by ballot, to manage the affairs of said company, and the directors thus chosen, shall elect from among themselves a president of said company, and may allow him such compensation for his services as they may deem proper; and in said election, and on all other occasions, wherein a vote of the stockholders of said company is to be taken, each stockholder shall be allowed one vote for every share owned by it, him or her, and every stockholder may depute any other person to vote and act for it, him, or her, as its, his, or her proxy, and the commissioners aforesaid, or any three or more of them, shall be judges of the said first election of directors.

Annual election of officers

Sec. 6. *And be it further enacted*, That to continue the succession of the president and directors of said company, they shall

be chosen annually on the first Monday of April at Mobile, by the stockholders of said company; and if any vacancy shall occur by death, resignation or refusal to act, of any president or director, before the year for which he was elected shall have expired, a person to fill such vacant place for the residue of the year, shall be chosen by the president and directors of said company, or a majority of them; and that the president and directors of the company shall hold and exercise their offices until their successors are chosen and qualified, and that all elections which are by this act, or the by-laws of said company, to be made on a particular day, or at a particular time, if not made on such day or at such time, may be made within thirty days thereafter.

Vacancies, how filled.

Statement of affairs to be exhibited.

Sec. 7. *And be it further enacted*, That at the regular annual meetings of the stockholders of said company, it shall be the duty of the said president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company for the information of the stockholders, and shall also annually or semi-annually make and declare such dividend as they may deem proper, of the nett profits arising from the resources of said company, after deducting the necessary, current, and probable expenses; and they shall divide the same amongst the proprietors of the stock of said company, in proportion to their respective shares.

Dividend

Called meetings.

Sec. 8. *And be it further enacted*, That the said president and directors shall have power to call meetings of the stockholders at any time, stating in the call the business intended to be done at such called meeting, and no other shall be transacted; a majority of stockholders in value, either in person or by proxy, shall be necessary to transact business; and at such called meeting, a majority of the stockholders in value, shall have power to remove the president or any of the directors, and appoint others in their stead.

Removal of officers authorized.

Oath of office

Sec. 9. *And be it further enacted*, That every president and director of said company, before he acts as such, shall swear or affirm, as the case may be, that he will well and truly discharge the duties of his said office, to the best of his skill and judgement.

Officers, engineers, &c. to be appointed.

Sec. 10. *And be it further enacted*, That the said president and directors, or a majority of them, may appoint all such officers, engineers, agents, or servants whatsoever, as they may deem necessary for the transaction of the business of the company, and may remove any of them at their pleasure; and they, or a majority of them, shall have power to determine by contract, the compensation of all the engineers, officers or servants in the employ of said company, and to determine by their by-laws, the manner of adjusting and settling all accounts against the company, and also the manner and evidence of transfers of stock in said company; and that they, or a majority of them, shall have power to pass all by-laws which they may deem necessary or proper, for exercising all the powers vested in the company hereby incorporated, and for carrying the objects of this act into effect: *Pro-*

Compensation

Make by-laws

vided only, that such by-laws shall not be contrary to the laws of this State or the United States.

May borrow money and pledge property of company.

Sec. 11. *And be it further enacted*, That the president and directors of said company, or a majority of them, are empowered to borrow money to carry into effect the objects of this act, to issue certificates or other evidences of such loans, and to pledge the property of the company for the payment of the same, and its interest.

Authority to construct the road.

Sec. 12. *And be it further enacted*, That the president and directors of said company shall be, and they are hereby invested with all the rights and powers necessary to the construction and repair of a railroad from Selma, or such other point on the Alabama river, at or above the mouth of the Cahawba, or at any point on the Cahawba river, as they shall deem advisable, to Decatur, on the Tennessee river, and to the head of the Ten Island Shoals, on the Coosa river, or to any other point or points on either of the abovenamed rivers, as they shall consider most advisable and expedient, to be by them determined, with as many sets of tracks as the said president and directors, or a majority of them, shall deem proper; and they, or a majority of them, may cause to be made said railroad or any part of it: and they and their agents, or those with whom they may contract for making any part of the same, or their agents, may enter upon and use any land which may be wanted for the site of said road, or the erection of warehouses or other works necessary to said road, or for any other purpose necessary or useful in the construction or repair of said road, or its works; and that they may build bridges, lay rails, take and use any earth, timber, gravel, stone or other materials which may be wanted for the construction or repair of said road, or any of its works; and that they, or a majority of them, may make, or cause to be made, lateral railroads in any direction whatsoever, within the limits of the counties through which said roads may run, in connexion with the said railroad, from the Alabama or Cahawba to the Tennessee river, or from the Alabama or Cahawba to the Coosa river.

Authority to take, and method of ascertaining compensation for materials, lands, &c.

Sec. 13. *And be it further enacted*, That the president and directors of the said company, shall be authorized to contract with and receive conveyances of any land, stone, gravel, or other materials which shall be required for the construction of said road; and where the owner and the said company cannot agree as to the price, or when the owner is an infant, feme covert, or *non compos mentis*, then it shall be lawful for said president and directors to apply to any justice of the peace for a warrant, directed to the sheriff of the county, commanding him to summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages, under the same rules and regulations now established by law in case of other roads; and said jury shall forthwith assess the value of said land, stone, gravel or other materials, subject to the right of appeal to the circuit court, by either party who shall consider themselves aggrieved, where

the trial shall be had *de novo*, by a jury, as in other cases; and the sheriff shall return the same to the office of the clerk of the county court of the proper county, and at the next term of the commissioners court, the same shall be affirmed, if no objection is made; and if the court shall set the same aside, the said court shall order a new writ, and the assessment made in pursuance thereof, shall be final; and the land, stone, gravel or other materials so contracted for or condemned, shall enure to the said company, upon the payment of the price thereof, to the person contracted with, or into the court, as the case may be, and the whole proceedings shall be entered of record in said court, at the expense of said company: *Provided however*, the said work shall in no wise be delayed on account of the proceedings had as aforesaid; but the said company, on tendering the sum to which the said land, stone, gravel or other materials shall have been valued, to the owner, or depositing the same in the office of the clerk of said court, as the case may be, may proceed with said work as if there was no appeal.

Road, machinery &c. vested.

Sec. 14. *And be it further enacted*, That said road, with all works, improvements and machinery of transportation, used on said road, are hereby vested in the company and their successors, who shall have the same right to sue and recover for any trespass or injury done to the same, as is provided by law for individuals in like cases.

Toll

Sec. 15. *And be it further enacted*, That after the completion of said works, or any part thereof, the said president and directors may lay and collect tolls, from all persons, property, merchandise, or other commodities transported thereon: *Provided*, the toll shall never amount to more than twenty-five per cent. per annum upon the amount invested in said work.

Public roads not to be obstructed.

Sec. 16. *And be it further enacted*, That in the construction of said road, the said president and directors shall not obstruct or use the public roads, or any of them now in use or hereafter established; but shall provide suitable and convenient ways by which they shall cross said road.

Authority to improve the Cahawba and Coosa

Sec. 17. *And be it further enacted*, That the president and directors of said company are invested with full power and authority to make any improvement they may think proper, in the navigation of the Cahawba and Coosa rivers, either by sluicing, lock and dam, or any other system of improvement they shall think proper to adopt.

Stock and property of stockholders liable.

Sec. 18. *And be it further enacted*, That the stock and estate of said company shall first be liable; and after that may be exhausted, the property of the individual stockholders, in proportion to the amount of their stock, shall be liable for all debts due from said corporation.

Time limited for commencing and completing.

Sec. 19. *And be it further enacted*, That said company shall commence said work within two, and complete the same within fifteen years; and at the expiration of fifty years from the passage of this act, the State of Alabama shall be authorized to take the

whole of said work as the property of the State of Alabama, upon paying the par value of the stock of said company.

Penalty for asking aid from gen. government.

Sec. 20. *And be it further enacted*, Should the said railroad company ever ask or receive aid from the General Government in construction of said road, this charter shall become forfeited.

Corporation authorized to improve navigation of the Coosa to the Alabama river.

Sec. 21. *And be it further enacted*, That if, upon a survey of the ground over which the said railroad is proposed to be made, it should be found more expensive, and of less public utility, than it would be to remove the obstructions, and render navigable the Coosa river from the Ten Islands to the Alabama river, then, and in that case, the stockholders are hereby authorized to render navigable the Coosa river, from the Ten Islands to the Alabama river; and are hereby allowed to take and receive the same toll that they are by this act allowed to take and receive, if they should prefer making a railroad from the Ten Islands to the Cahawba or Alabama rivers: *And provided*, they shall take no toll from the Government of the United States for using said river: *Provided*, that nothing in this section shall be so construed, as to prohibit the State from making such improvement on the navigation of the Coosa river, as she may think proper: *And provided*, that said company shall not be authorized to collect tolls on any improvement made by the State.

Toll

Proviso

Further proviso

Approved, January 20, 1832.

AN ACT

To incorporate the Tuscumbia, Courtland, and Decatur Railroad Company.

Incorporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Benjamin Sherrod, as president, with Joseph Trotter, William H. Whitaker, Philip G. Godley, Micajah Tarver, David Deshler, James Davis, Peter W. Taylor, James B. Wallace, David Coopwood, William Veach, Henry W. Rhodes and Jessee W. Garth, as directors, with their associates and successors in office, be, and they are hereby made a body politic and corporate, in deed and in law, by the name and style of the Tuscumbia, Courtland and Decatur Railroad Company; in which name they and their successors in office are hereby made capable in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of law or equity in this State or elsewhere; to purchase, receive and hold, sell, convey and confirm real or personal estate, as natural persons; to have and use a common seal, to alter and change the same at pleasure; to pass such by-laws, rules and ordinances for the good government of said corporation, as to them shall seem proper; and generally to do and exercise all acts, matters and things necessary to carry into full and complete effect the objects of this act: *Provided however*, that the amount of real and personal estate owned by said company shall in no event exceed the sum of one million of dollars.

Style.

Powers.

Proviso

President and directors to be elected.

Sec. 2. *And be it further enacted*, That the president and directors hereby appointed, shall continue in office until the first Monday of March, one thousand eight hundred and thirty-two, on

which day the stockholders heretofore subscribed, shall meet in the town of Courtland and elect thirteen directors, stockholders in said company, one of whom shall be chosen president by the board, and shall continue in office, after having taken an oath for the faithful performance of their duties as such president and directors, until the first Monday in March next after their said election, and until their successors shall be chosen and qualified; which choice shall be made on the first Monday in March annually, after the first election, or in one month thereafter, by the stockholders, each stockholder having one vote for every share of stock he, she or they may hold in said company: *Provided*, that no one stockholder shall be entitled to more than one hundred votes.

Stockholders to vote according to shares.

President and directors authorized to borrow money, &c.

Sec. 3. *And be it further enacted*, That the president and directors of said company, shall have power to borrow money, contract debts, and be contracted with upon the credit of the stock thereof, and to pledge personal or real estate for the payment of their debts; and to appoint such officers, agents, and servants as they may think necessary, and to pay them such salaries as they may conceive just; and after their organization and first election of directors, may require such instalments as they may consider best for the interest of said company: *Provided*, that not more than one third of any one subscription shall be required in any one year, after the said first election of directors. And the estate of each individual stockholder, together with his stock, shall be liable for the debts of this company, in proportion to the amount of his stock.

To appoint officers.

Require instalments.

Proviso

Stockholders, how liable for debts of incorporation.

President and directors, on giving notice, to open subscription.

Sec. 4. *And be it further enacted*, That the president and directors of the company hereby incorporated, after they shall have been organized in pursuance of the second section of this act, may, on giving sixty days' public notice, proceed to open books and receive subscriptions for stock, and thereby raise any additional amount of money which may be required in the execution of said work, not exceeding one million of dollars; and the stock subscribed for, shall be divided into shares of one hundred dollars per share, and may be transferred, which transfer shall be entered on the books of said company, and the holder thereof shall be entitled to all the benefits, and subject to all the liabilities of an original shockholder; and on failure of any stockholder to pay the amount due upon his stock, in pursuance of any call made by the said president and directors, within sixty days after such call, the said president and directors shall be authorized to sell said stock at not less than par value for the amount so due, and said stock shall be deemed and considered in law as personal property.

Stock not to exceed $1,000,000. To be divided into shares. Shares may be transferred.

Failure to pay amount due on stock.

Road, where to commence.

Sec. 5. *And be it further enacted*, That the said president and directors, shall commence said road at the east end of the Tuscumbia railroad, and extend the same by the way of Courtland and to Decatur, in the county of Morgan. They shall be authorized to contract with, and receive conveyances of any land, stone or gravel, &c. which may be required in the construction of said road; and when the owner and the company cannot agree as to

President and directors authorized to receive titles to land, &c.

price, or when the owner is an infant, non-resident or *non compos mentis*, then it shall be lawful for the president and directors of said company, to apply to any justice of the peace for a warrant, directed to the sheriff of the county, commanding him to summon a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages, under the same rules and regulations now established by law in cases to other roads, and said jury shall forthwith assess the value of said land, stone, gravel, timber, &c. subject to the right of an appeal to the circuit court by either party who shall think themselves aggrieved, when the trial shall be *de novo*, by a jury, as in other cases; and the sheriff shall return the same to the office of the clerk of the county court of the proper county, and at the next term of the commissioners court the same shall be affirmed, if no objection; and if the court shall set the same aside, the said court shall order a new writ, and the assessment made in pursuance thereof shall be final, and the land, stone, gravel, timber, &c. so contracted for or condemned, shall enure to the said company for fifty years, upon the payment of said money to the person contracted with, or into court, as the case may be; and the whole proceedings shall be entered of record in said court at the expense of said company: *Provided however*, the said work shall in no wise be delayed on account of the proceedings had as aforesaid; but the said company, on tendering the sum to which the land, stone, gravel or timber shall have been valued, to the owner, or depositing the same in the office of the clerk of said court, may proceed with said work, if there shall be no appeal: *And provided further*, that no right shall exist in said company, to pull down or remove any dwelling-house without the consent of the owner thereof.

Mode of proceeding when the owner is an infant, non-resident &c.

Appeal to circuit court by either party.

Proviso.

Further proviso.

Sec. 6. *And be it further enacted*, That said president and directors, after having had the track upon which said railroad is to run, surveyed and selected, may proceed to let the same to contract in such sections, beginning at Tuscumbia, and such other places, and continue eastward, as they may think best: *Provided*, that they shall give sixty days' public notice of the time and place of letting the same to contract: *And provided further*, that said company shall in no wise exercise banking privileges; and shall begin said work within two years, and complete the same from Tuscumbia to Decatur within ten years, or forfeit their charter hereby given.

Track being surveyed, to be let to contract.

Proviso.

Banking prohibited.

When to begin & to complete work

Sec. 7. *And be it further enacted*, That said president and directors shall have power to call meetings of the stockholders at any time, stating in the call the business intended to be transacted at such called meeting, and no other shall be transacted; a majoriy of the stockholders in value, either in person or by proxy, shall be necessary to transact business: and at said called meetings, a majority of said stockholders in value, shall have power to remove the president or any of the directors, and appoint others in their stead; and in case of the death, resignation, or refusal to act, of the president or any director, a majority of the residue shall have power to fill vacancies in the board until the next annual meeting

Manner of calling meetings of stockholders.

Quorum

Vacancies, how filled

of the stockholders; and shall have power to remove at pleasure, any officer, agent or servant.

Public roads not to be obstructed or used.

Sec. 8. *And be it further enacted*, That in the construction of said road, the said president and directors shall not obstruct or use the public roads or any of them, now or hereafter to be established, but shall provide suitable and convenient ways by which they shall cross said railroads.

President and directors, at annual meeting, to report to company.

Sec. 9. *And be it further enacted*, That at the regular annual meetings of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company, for the information of the stockholders; and shall also, annually

To declare dividends.

or semi-annually, declare and make such dividend as they may think proper, of the nett profits arising from the expenses of said company, after deducting the necessary current, and probable contingent expenses, and they shall divide the same among the proprietors of the stock of said company, in proper proportions to their respective shares.

Works, &c. vested in company.

Sec. 10. *And be it further enacted*, That the said road, with all works, improvements, and machinery of transportation used on said road, are hereby vested in the company and their successors, for fifty years, who shall have the same right to sue and recover for any trespass or injury done to the same, as is provided by law for individuals in like cases.

Lateral roads authorized.

Sec. 11. *And be it further enacted*, That the president and directors, for and in behalf of said company, shall have power, after the completion of the said road from Tuscumbia to Decatur, to make such extensions and lateral railroads as to them may seem expedient; and shall extend and branch when application shall be made to them for that purpose, and a sufficient amount of stock subscribed and paid in, to make any such extension or lateral roads so desired to be made; and the person or persons, body politic or corporate, so applying, shall have the same powers and

Privileges to persons applying. Proviso

privileges of original stockholders: *Provided*, none of the said lateral railroads or branches of said road as established by this act, shall extend beyond the limits of the counties lying on the Tennessee river.

Toll

Sec. 12. *And be it further enacted*, That after the completion of said work, or any part thereof, the said president and directors may lay and collect toll from all persons, property, merchandise

Proviso

or other commodities transported thereon: *Provided*, the toll shall never amount to more than twenty-five per centum per annum upon the amount invested in said work.

Approved, January 13, 1832.

AN ACT

To incorporate the Montgomery Railroad Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*,

Company incorporated.

That William Sayre, as president, with John W. Freeman, John Gindrat, John Goldthwaite, Edward Hanrick, Abner M'Gehee, Nicholas Marks, Henry Lucas, George Matthews, John Scott,

Thomas M. Cowles, Asa Hoxey and Joseph Hutchinson, as directors, and their associates and successors in office, be, and they are hereby made a body politic and corporate in deed and in law, by the name and style of the Montgomery Railroad Company; in which name they and their successors in office are hereby made capable in law, to sue and be sued, to plead and be impleaded, answer and be answered, defend and be defended, in any court of law or equity in this State or elsewhere; to purchase, receive and hold, sell, convey and confirm, real or personal estate, as natural persons; to have and use a common seal, to alter and change the same at pleasure, to pass such by-laws, rules and ordinances, for the good government of said corporation, as to them shall seem proper, and generally to do and exercise all acts, matters and things necessary to carry into full and complete effect the objects of this act: *Provided however*, that the amount of real and personal estate owned by said company, shall in no event exceed the sum of one million of dollars.

Style

Powers

Capital not to exceed $1,000,000.

Sec. 2. *And be it further enacted*, That the president and directors hereby appointed, shall continue in office until the first Monday of March, 1833, on which day the stockholders shall meet in the town of Montgomery, and elect thirteen directors, stockholders in said company; one of whom shall be chosen president by the board, and shall continue in office after having taken an oath for the faithful performance of their duties, as such president and directors, until the first Monday in March next after their said election, and until their successors shall be chosen and qualified, which choice shall be made on the first Monday in March annually, after the first election, or in one month thereafter, by the stockholders, each stockholder having one vote for every share of stock, he, she or they may hold in said company: *Provided*, that no one stockholder shall be entitled to more than one hundred votes.

Election of president & directors. Votes apportioned.

Sec. 3. *And be it further enacted*, That the president and directors of said company shall have power to borrow money, contract debts, and be contracted with, upon the credit of the stock thereof, and to pledge personal or real estate for the payment of their debts, and to appoint such officers, agents and servants, as they may think necessary, and to pay them such salaries as they may conceive just; and after their organization and first election of directors, may require such instalments as they may consider best for the interest of said company: *Provided*, that not more than one third of any one subscription shall be required in any one year after the said first election of directors; and the estate of each individual stockholder, together with his stock, shall be liable for the debts of this company in proportion to the amount of his stock.

President and directors authorized to borrow money, &c.

Appoint officers and fix salaries.

Paym'ts on stock

Proviso

Stockholders' estate liable for debts.

Sec. 4. *And be it further enacted*, That the president and directors of the company hereby incorporated, after they shall have been organized, in pursuance of the second section of this act, may, on giving sixty days' public notice, proceed to open books at Montgomery, and such other places as they may deem proper,

Books of subscription to be opened.

and receive subscription for stock, and thereby raise any amount of money which may be required in the execution of said work, not exceeding one million of dollars; and the stock subscribed for, shall be divided into shares of one hundred dollars per share, and may be transferred, which transfer shall be entered on the books of said company, and the holder thereof shall be entitled to all the benefits, and subject to all the liabilities of an original stockholder; and on failure of any stockholder to pay the amount due on his stock, in pursuance of any call made by the said president and directors, within sixty days after such call, the said president and directors shall be authorized to sell said stock at not less than par value for the amount so due; and said stock shall be deemed and considered in law as personal property.

Not to exceed $1,000,000.

Stock to be divided into shares.

May be tranferred.

Failure to pay instalments.

Shares of stock personal property.

Sec. 5. *And be it further enacted*, That the said president and directors shall commence said road at the town of Montgomery, and extend the same to the Chattahoochie river, opposite the town of Columbus, in the State of Georgia, in as direct a line as may be deemed proper. They shall be authorized to contract for and receive conveyances of any land, stone or gravel, &c. which may be required in the construction of said road; and when the owner or company cannot agree as to price, or where the owner is an infant, non-resident, or *non compos mentis*, then it shall be lawful for the president and directors of said company, to apply to any justice of the peace for a warrant, directed to the sheriff of the county, commanding him to summons a jury of seven disinterested freeholders, a majority of whom shall be authorized to assess the damages under the same rules and regulations now established by law, in cases of other roads; and said jury shall forthwith assess the value of said land, stone, gravel, timber, &c. subject to the right of an appeal to the circuit court, by either party who should think themselves aggrieved, where the trial shall be *de novo* by a jury, as in other cases; and the sheriff shall return the same to the office of the clerk of the county court of the proper county; and at the next term of the commissioners court, the same shall be affirmed, if no objection; and if the court shall set the same aside, the said court shall order a new writ, and the assessment made in pursuance thereof shall be final; and the land, stone, gravel, timber, &c. so contracted for or condemned, shall enure to the said company for fifty years, upon the payment of the said money to the person contracted with, or into court, as the case may be; and the whole proceedings shall be entered of record in the said court, at the expense of said company: *Provided however*, that the said work shall in no wise be delayed on account of the proceedings had as aforesaid; but the said company, on tendering the amount to which the land, stone, gravel or timber shall have been valued, to the owner, or depositing the same in the office of the clerk of said court, may proceed with said work, if there shall be no appeal: *And provided further*, that no right shall exist in said company, to pull down or remove any dwelling-house without the consent of the owner thereof.

President and directors to commence road at Montgomery.

President and directors authorized to receive titles to land, &c

Mode of proceeding whentheowner is an infant or non compos mentis.

Sec. 6. *And be it further enacted*, That the said president and directors, after having had the track upon which said railroad is to run, surveyed and selected, may proceed to let the same to contract, in such sections, beginning at Montgomery and such other places, and continuing eastward, as they may think best: *Provided*, that they shall give sixty days' public notice of the time and place of letting the same to contract: *And provided further*, that said company shall in no wise exercise banking privileges, and shall begin said work within three years, and complete the same from Montgomery to the Chattahoochie river, opposite Columbus, in Georgia, within twenty years, or forfeit their charter hereby given.

To let out contracts.

Proviso.

Time limited to begin and complete work.

Sec. 7. *And be it further enacted*, That said president and directors shall have power to call meetings of the stockholders at any time, stating in the call the business intended to be transacted at such called meeting, and no other shall be transacted; a majority of the stockholders in value, either in person or by proxy, shall be necessary to transact business: and at said called meetings, a majority of said stockholders in value, shall have power to remove the president or any of the directors, and appoint others in their stead; and in case of the death, resignation or refusal to act of a president or any director, a majority of the residue shall have power to fill vacancies in the board, until the next annual meeting of the stockholders, and shall have power to remove at pleasure, any officer, agent or servant.

Called meetings.

Vacancies.

Removal of officers.

Sec. 8. *And be it further enacted*, That in the construction of said road, the president and directors shall not obstruct or use the public roads, or any of them, now or hereafter to be established; but shall provide suitable and convenient ways by which they shall cross said railroads.

Not to obstruct roads.

Sec. 9. *And be it further enacted*, That at the regular annual meetings of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the company, for the information of the stockholders, and shall also annually or semi-annually, declare and make such dividend as they may deem proper, of the nett profits arising from the expenses of said company, after deducting the necessary current and probable contingent expenses; and they shall divide the same amongst the proprietors of the stock of said company in proper proportions to their respective shares.

Statement of affairs to be exhibited.

Dividends.

Sec. 10. *And be it further enacted*, That the said road, with all works, improvements and machinery of transportation used on said road, are hereby vested in the company and their successors, for fifty years, who shall have the same right to sue and recover for any trespass or injury done to the same as is provided by law for individuals in like cases.

Right to road, machinery, &c. vested in corporation.

Sec. 11. *And be it further enacted*, That after the completion of said work, or any part thereof, the said president and directors may lay and collect toll from all persons, property, mer-

Toll

chandise, or other commodities transported thereon: *Provided*, the toll shall never amount to more than twenty-five per centum per annum upon the amount invested in said work.

Proviso

Penalty for asking aid from General Government.

Sec. 12. *And be it further enacted*, Should the said Montgomery Railroad Company ever ask or receive aid in the construction of said road, from the Government of the United States, the charter for the same shall become forfeited.

Approved, January 20, 1832.

AN ACT

To incorporate the Planters' Wharf and Steamboat Company in the Town of Montgomery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Benajah S. Bibb, Fleming Freeman, Abner M'Gehee and Peyton Bibb, and such others as they may hereafter associate with them, be, and they are hereby constituted and appointed a body corporate, by the name and title of "The Planters' Wharf and Steamboat Company," for the term of seventeen years from and after the passage of this act; and by that name shall be, and they are hereby made able and capable in law, to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, rent, tenements, hereditaments, goods, chattels, and effects of whatever kind, nature and quality, and the same sell, grant, demise, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all manner of actions, suits, matters and things depending in any court of law or equity; and also to have and use a common seal, and the same to break, alter, and renew at their pleasure: *Provided always*, that it shall not be lawful for the said corporation to use any part of its capital stock or funds for banking purposes, nor to emit for circulation, any notes or bills, or make contracts for the payment of money, only under the seal of the said corporation, and then alone for debts by said corporation contracted.

Incorporated.

Style.

Powers of incorporation.

Banking prohibited.

Capital stock divided into shares.

Sec. 2. *And be it further enacted*, That the capital stock of said corporation shall be divided into shares of one hundred dollars each, and shall not exceed the sum of fifty thousand dollars.

Directors.

Sec. 3. *And be it further enacted*, That the affairs of said corporation shall be managed and conducted by four directors, who shall be stockholders in said company, and resident within this State, and who shall hold their offices for one year, and until there shall be a new election of directors in pursuance of the provisions of this act; and the said first four directors shall be Benajah S. Bibb, Fleming Freeman, Abner M'Gehee, and Peyton Bibb, out of which number the said directors, at their first meeting, shall appoint their president, and a majority of the directors of the said company shall constitute a quorum to transact business.

Quorum.

Directors to be elected.

Sec. 4. *And be it further enacted*, That after the time to be limited by this act, for the continuance in office of the directors hereby nominated and appointed, the stock, affairs, and concerns of the said company, shall be managed and conducted by five directors, who shall be stockholders, residents of the State, and

elected on the first Monday in May in each and every year thereafter, at such time of the day, and at such place in the town of Montgomery, as may be determined on by a majority of the stockholders of the said company, and under such regulations as the board of directors for the time being shall direct; and they shall hold their office for one year, and until others shall be chosen to supply their places, and no longer; and every such election shall be made by ballot, by a plurality of the votes of the stockholders present, in person or by proxy, allowing a vote for each share; and in all cases of a vacancy in the said board of directors, by death, resignation, removal or otherwise, the same shall be filled by a majority of the remaining directors, and the directors so elected shall hold their office until the next ensuing election: *Provided*, that in case it should at any time happen, that an election of directors should not be made, the said corporation shall not for that cause be deemed dissolved, but that it shall and may be lawful, on any other day, to hold an election of directors, in such manner as shall have been regulated by the by-laws of the said corporation.

Election, when held.

Vacancy.

Proviso.

Sec. 5. *And be it further enacted*, That the said corporation shall have full power to collect, demand, and receive of and from the owners or consignees of all goods which shall be landed from the Alabama river, at the Planters' Wharf and Steamboat Company's Wharf, and from the owners or shippers of all goods which shall be sent from them, by the said river, from said wharf, and from the owners or captains of steamboats, barges or flats, which shall lay at the wharf above named in the town of Montgomery, such wharfage as the directors of said corporation may direct and appoint, not exceeding the following rates: for each bale of cotton, six cents; for each bushel of grain or salt, three quarters of a cent; for each barrel, three cents; for each hogshead or pipe, ten cents; for every one thousand feet of lumber, fifty cents; all boxes, packages and merchandise, by measurement, usually charged three cents for every five feet; for all steamboats, one dollar and fifty cents per day for every day they remain at said wharf; for all barges and flats, one dollar per day for every day they remain at said wharf: *Provided*, that nothing in this act shall be so construed as to prevent the Legislature from altering or amending the above rates of wharfage, upon fifty or more petitioners, resident of the county of Montgomery, notice of such petition having been served upon one or more of the directors, twenty days before the same shall be presented to the General Assembly: *And provided always*, that the said corporation shall have no right to receive wharfage until they become possessed of the aforesaid wharf and landing in the said town, and only during their continuance in the possession of the same.

Rates of Wharfage.

Proviso

Sec. 6. *And be it further enacted*, That each stockholder in the said corporation, shall be individually liable for the amount of his or her share or shares; and for the purpose of ascertaining the liability of the stockholders of the said corporation, a stock-book shall be kept by the directors of the said company, in which

Stockholders individually liable for the amount of shares

shall be entered the names of the stockholders, and the number of shares held by each; and no transfer of the stock of the said corporation shall be of any validity, until the same shall have been entered on the book of the said corporation. And it shall be the duty of the president of said corporation, to permit any person to inspect the said book, on his paying therefor the sum of twenty five cents; and any sheriff or other officer, having execution against said corporation, may levy the same on the goods and chattels, lands and tenements, of any one or more of such as were stockholders at the commencement of the action; and make out of the same the amount of their respective share or shares: *Provided always*, that no stockholder shall be liable beyond the amount of his or her respective share or shares: and in case the president of the said corporation shall refuse to permit an inspection of the said stock book, it shall be deemed a violation of this act, and the charter of the said corporation shall be liable to forfeiture, on a prosecution in the nature of a *quo warranto*, commenced within three months after such refusal.

Stock book may be inspected

Penalty

Wharf and landing to be kept in repair

Sec. 7. *And be it further enacted*, That the said corporation shall at all times keep the said wharf and landing in good repair; and if the same shall at any time be out of repair for the space of three months, the charter of said corporation shall be liable to forfeiture, as preseribed in the foregoing section.

Wharf, where situated

Sec. 8. *And be it further enacted*, That the said wharf in this act mentioned, shall be located and situated on lots numbered ten and one, on square numbered two, in the town of Montgomery, or such other lots as the said corporation may own in or near said town.

Exclusive right vested

Sec. 9. *And be it further enacted*, That the said company, or their agent, shall be entitled to receive the rates in the fifth section of this act mentioned; and no other person or persons, company or companies, shall receive any rates of toll or wharfage, for any goods or other thing landed on said wharf, or shipped therefrom, or for lying or being on said wharf, any law to the contrary notwithstanding.

Wharfage, when to commence

Sec. 10. *And be it further enacted*, That before any rates of wharfage shall be charged, it shall be the duty of the said Benajah S. Bibb, Fleming Freeman, Peyton Bibb and Abner M'Gehee, to procure permission from the Town Council of Montgomery, upon the same terms and upon the same conditions granted to the Montgomery Wharf and Steamboat Company. *Provided however*, if the said Town Council of Montgomery should, upon application, refuse to grant said permission, the said Benajah S. Bibb, Fleming Freeman, Peyton Bibb, and Abner M'Gehee, may receive the rates of wharfage provided for in this act without such permission.

Proviso

Approved, January 16, 1832.

AN ACT

To form a new Regiment in the County of Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*,

That hereafter there shall be two regiments of Alabama militia in the county of Pickens. To be two Regiments in Pickens

Sec. 2. *And be it further enacted*, That the line dividing said regiments shall commence, run and be as follows: commencing at a point on the Tombeckbee river, two miles south of the township line dividing townships twenty and twenty-one, thence to run east to the Tuscalooa line. Dividing line

Sec. 3. *And be it further enacted*, That all persons living north of the line in the second section of this act mentioned, shall be in and compose the fifty-ninth regiment of the fifth brigade and second division of Alabama militia. And that all persons residing south of said line, shall compose the fifty-ninth regiment of the fifth brigade and second division of Alabama militia. 59th Regiment, how composed

Sec. 4. *And be it further enacted*, That all officers, judicial and executive, such as justices of the peace and constables, who are commissioned and acting in said county, shall remain in office, and be officers of any beat in which they may hereafter fall, by a division of the county of Pickens into two regiments. Officers to retain stations

Sec. 5. *And be it further enacted*, That elections for officers in said fifty-ninth regiment of the fifth brigade and second division, shall be held by the persons and in such manner as is now prescribed by law for the election of militia officers, and the same shall be organized in the manner now prescribed by law: *Provided*, that said elections shall be held on or before the fourth Saturday in March next. Election for officers

Approved, December 28, 1831.

AN ACT

To authorize Robert Hobdy, Col. Commandant of the forty-second Regiment of the Alabama Militia, to form a Company Beat with a less Number than forty Privates, in the County of Pike.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Robert Hobdy be authorized and required to form a company beat of militia, of a less number of privates than forty, in the town of Irwinton, in the county of Pike, and the company so formed shall be officered in like manner as the other militia beats are in this State. Beat in Irwinton

Approved, December 28, 1831.

AN ACT

To divide the forty-sixth Regiment of the Militia of this State, composed of the Counties of Covington and Dale.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the militia composed of the county of Covington shall form the sixtieth regiment. 60th Regiment formed

Sec. 2. *And be it further enacted*, That it shall be the duty of the brigadier-general commanding the eleventh brigade, to order an election for a colonel to command said regiment, in conformity with the militia laws of this State, and the colonel so elected and commissioned, shall convene the officers holding military commissions, at a suitable time and place: *Provided*, he shall give the officers at least ten days' notice of such meeting, and form Brigadier General to order an election for Colonel

a court martial for the purpose of dividing said regiment into battalions and companies; and the colonel shall proceed to organize the battalions in conformity with the decree of the court: *Provided*, said court shall be governed in all cases, by the militia laws now in force.

Colonel's duty

Dale to compose 46th Regiment

Sec. 3. *And be it further enacted*, That the militia composed of the county of Dale shall form the forty-sixth regiment; and the colonel commandant shall proceed to organize the regiment in Dale county, in conformity to the second section of this act.

Sec. 4. *And be it further enacted*, That all acts conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, January 13, 1832.

AN ACT

To authorize the Commanding Officers of the forty-ninth Regiment in the eleventh Brigade of the Alabama Militia, to form two Company Beats, with a less Number than forty Privates, in the County of Pike.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the officers commanding the forty-ninth regiment in the eleventh brigade Alabama militia, be, and they are hereby authorized to establish a company beat, in the settlement of Huse and Stewart, in the southwestern part of Pike county, known by the name of Buckhead.

Commanding officer 49th Regiment to establish certain beats

Sec. 2. *And be it further enacted*, That the said officers be, and they are further authorized to establish an additional company beat in the neighborhood of Boswell and Jacob Lamb, in the northern part of the county of Pike.

Sec. 3. *And be it further enacted*, That the companies so formed, shall be officered in like manner as the militia beats in this State.

Approved, January 18, 1832.

AN ACT

To divide the Twelfth Regiment of the Militia of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the twelfth regiment of the militia of this State, shall be divided and compose two regiments.

12th Regiment divided

Sec. 2. *And be it further enacted*, That the line which divides the first, second, and third battalions of the twelfth regiment of Alabama militia, shall be the dividing line between the twelfth and sixty-first regiments of the militia of this State; and that all that part of St. Clair county lying west and north of said line, shall hereafter compose the twelfth regiment of the militia of this State.

Line between 12th and 61st Regiments

Sec. 3. *And be it further enacted*, That all that part of St. Clair county, lying east and south of the aforesaid line, and south of a line running direct from the mouth of Beaver creek, in St. Clair county, to the Georgia line, shall hereafter compose the sixty-first regiment of the militia of this State.

Part composing 61st Regiment

Sec. 4. *And be it further enacted*, That the regiment hereby created, shall be organized in the manner now provided for by law.

Approved, January 19, 1832.

AN ACT

To explain an Act passed at the present Session of the General Assembly.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the words "for the space of twelve months from the first day of January next," when they occur in an act passed at the present session of the General Assembly, entitled "an act in part to repeal an act to incorporate the town of Carrolton, in the county of Pickens, and Fayetteville, in the county of Fayette, and for other purposes, approved 15th January, 1831," shall be taken and understood to mean twelve months from and after the first day of January, 1832. Approved, January 21, 1832.

Explanation in reference to the town of Carrolton

AN ACT

To authorize Jesse During and Philip Brothers to Turnpike a Road therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Jesse During, Philip Brothers, and their associates, of the county of St. Clair, be, and they are hereby authorized to open and turnpike a road, to commence on the east bank of the Coosa river, at the mouth of Tallushatchy creek, thence through the Creek nation the nearest and best way to the State of Georgia, Carroll county, to intersect the Georgia road at or near Littleberry Clark's place.

Road authorized from the Coosa river, to Carroll county, Ga.

Sec. 2. *And be it further enacted*, That the aforesaid road shall be opened twenty feet wide, fourteen of which shall be cleared of every obstruction; stumps and grubs shall be taken up by the roots, or cut level with the ground; sloping ground and banks of water courses, shall be so worked on as to admit the easy passage of all kinds of carriages; all marshes and swamps shall be causewayed fourteen feet wide, with good and durable materials, in a workmanlike manner, with ditches on each side.

Width of road clear'd of obstructions

Causeways to be built

Sec. 3. *And be it further enacted*, That when the said Jesse During, Philip Brothers, and their associates, shall have completed said road, and reported the same to the judge of the county court of St. Clair county, it shall be the duty of said court to appoint three suitable persons, two of whom shall be competent to act, to examine said road and report their opinion to the said court; and the said commissioners shall receive for their services such compensation as the said court shall deem reasonable, to be paid by the said Jesse During, Philip Brothers, and their associates.

Commissioners to be appointed to examine road

To report

Sec. 4. *And be it further enacted*, That should the commissioners to be appointed under the third section of this act, report that the said road is in good order, then and in that case the said Jesse During and Philip Brothers, and their associates, are hereby authorized to erect two gates on said road, the places to be designated by the said commissioners: *Provided*, that neither of the said gates shall be placed within five miles of the Coosa river; at each of which gates they may demand, and receive of and from every person passing each of said gates, the follow-

Tollgates may be erected

Proviso

Toll

ing toll, to wit: for every four-wheeled carriage, fifty cents; for every two-wheeled carriage, twenty-five cents; for every man and horse, twelve and a half cents; for every loose or led horse, six and one fourth cents; for every head of neat cattle, three cents; for every head of sheep, goats, or hogs, one and one half cent; and if any person shall pass around either of said gates, with the intent to avoid the payment of toll, he or she shall, for every such offence, forfeit and pay to the said Jesse During, Philip Brothers, and their associates, three times the amount which his or her toll would have been, to be recovered before any justice of the peace, with legal costs for the same.

County Court of St Clair, on application, to appoint commissioners to examine road

Sec. 5. *And be it further enacted,* That it shall be the duty of the judge of the county court of St. Clair county, on application, to appoint three commissioners, who shall proceed to examine the condition of said road, and report their opinion of the same to the said court; and if, in the opinion of said commissioners, the said road is not in good order, they shall direct the gates to be thrown open, and no toll shall be received, under the penalty of twenty dollars for each offence, until said road shall be repaired in a good and sufficient manner; and the said Jesse During, Philip Brothers, and their associates, shall commence the said road within one year from the passage of this act, and shall complete the same within two year thereafter; and shall have all the profits arising from the toll of the same for the period of ten years from the time they are authorized to erect gates on the said road.

Penalty for receiving toll when road is out of repair

When to be commenced and completed

To receive profits for 10 years

Ferries, how to be established

Sec. 6. *And be it further enacted,* That if it shall become necessary to establish a ferry or ferries on said road, it shall be the duty of the commissioners court of revenue and roads of the counties through which said road may pass, and in which it may be necessary to establish such ferry or ferries, to grant to the said Jesse During, Philip Brothers, and their associates, a licence to keep such ferry or ferries, agreeably to the provisions of the law made and provided in such case.

Approved, January 13, 1832.

AN ACT

To repeal in part and amend an Act entitled an Act to authorize John A. Chapman, Simeon Chapman, Daniel Welch, and their associates, to Turnpike a certain Road therein named, approved, Dec. 29, 1829.

Repeal

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of said act as requires said road to be made thirty feet wide, and fourteen feet of said width to be cleared of all obstructions, be, and the same is hereby repealed.

Road to be 20 feet wide, and cleared of obstructions

Sec. 2. *And be it further enacted,* That in lieu thereof, the said road shall be twenty feet wide, and cleared of all obstructions twelve feet; and that the said John Chapman, Simeon Chapman, Daniel Welch, and their associates, shall be allowed twelve months longer than by said act allowed, to complete said road.

Sec. 3. *And be it further enacted*, That George Hill, William Condon, Thompson Coker, Henry Gooch and Abner A. Hughs, be, and they are hereby appointed commissioners to examine and review said road; and they, or a majority of them, shall report the state and condition of said road, when called upon by John A. Chapman, Simeon Chapman, Daniel Welch, and their associate in office, to the county courts of commissioners of revenue and roads of Shelby county; and as soon as said road shall be in a condition for four-wheeled carriages safely to travel it, the said company is hereby authorized to erect one toll-gate on said road, and to take and reeeive toll, at the rates they are authorized to take and receive at one gate by said act: *Provided*, that they keep the road in good repair and continue to improve it.

Commissioners appointed

To report condition of road to County Court

Toll

Proviso

Sec. 4. *And be it further enacted*, That the same penalties shall be imposed upon persons obstructing this road, as are imposed by law upon persons obstructing other roads in this State.

Sec. 5. *And be it further enacted*, That all parts of the before recited act, which contravenes any of the provisions of this act, be, and the same are hereby repealed.

Approved, January 5, 1832.

AN ACT

Amendatory of the several Acts now in force relative to improving a Road leading from Blakely to the Upper Line of Baldwin County, by Way of Durant's.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William Hall, Joab M'David and Gerald Byrne, be, and they are hereby appointed commissioners for the purpose of laying out the road leading from Blakely to the upper line of Baldwin county, where the ridge road leading to Burt Corn, by way of Durant's crosses said line in the most plain and practicable route.

Commissioners appointed to lay out a certain road

Sec. 2. *And be it further enacted*, That the fund authorized to be raised by an act passed on the sixth day of January one thousand eight hundred and twenty-seven, and revived and continued in force on the twentieth day of January one thousand eight hundred and thirty, entitled an act for the improving of said road mentioned in the first section of this act, be, and the same is hereby placed under the control and direction of the county court and commissioners of roads and revenue of Baldwin county.

Certain fund placed under the control of the County Court

Sec. 3. *And be it further enacted*, That the money which has been assessed and collected by virtue of the beforecited acts, for the improvement of the said ridge road for the year one thousand eight hundred and thirty, and one thousand eight hundred and thirty-one, which may be unexpended at the passage of this act, shall hereafter be applied under the direction of the county court and commissioners of roads and revenue of Baldwin county.

Money collected under acts of 1830 and 1831, which may be unexpended, how to be applied

Sec. 4. *And be it further enacted*, That the county court and commissioners of roads and revenue of Baldwin county, are hereby authorized and required to appropriate the sum of one hundred

Appropriation for road from Bon-Secour to Mobile Point

and fifty dollars of the fund required to be raised by the abovecited act, passed and revived as aforesaid, in laying out and opening a road in the most plain and practicable way, from Bon-Secour to Mobile Point, in said county of Baldwin, any law to the contrary notwithstanding. Approved, January 3, 1832.

AN ACT

To authorize Moses and Aaron Packer to establish a Ferry across the Chattahoochie River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Moses and Aaron Packer be, and they are hereby authorized to establish and keep a public ferry across the Chattahoochie river, at the town of Irwinton, in the county of Pike.

Moses and Aaron Packer authorized to establish a ferry

Rates

Sec. 2. *And be it further enacted,* That the rates of ferriage at the ferry established by this act, shall at all times be subject to be regulated by the commissioners court of Pike county.

To give bond

Sec. 3. *And be it further enacted,* That the said Moses and Aaron, before they are authorized to establish such ferry, shall give such bond and security, to be approved by the judge of the county court of Pike county, as is now required by law in other cases of ferries established in this State.

Proviso

Sec. 4. *And be it further enacted,* That this act shall not be construed to extend a privilege further than the boundary line of the State of Alabama; nor shall this interfere with any ferry privileges heretofore granted in pursuance of law. Approved, Jan. 12, 1832.

AN ACT

To amend an Act approved the 20th January, 1830, authorizing Samuel Swilley and others, to mark out a Road leading through that Part of Pike County now occupied by the Creek Indians.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the commissioners court of revenue and roads in and for the county of Pike, shall have power, and they are hereby required, to appoint three separate apportioners, and such number of overseers as to them shall seem most reasonable and just, for keeping said road in good order.

County Court of Pike required to appoint apportioners and overseers

Who liable to work on road

Sec. 2. *And be it further enacted,* That all hands subject to road duties, living within seven miles of Daniel Lewis's, or within seven miles of any part of said road, be, and they are hereby required to work on the same four days in each year, which time shall be deducted from the ten days that such hands are required to work on other roads.

County Court of Pike to appoint commissioners to mark out a certain road

Sec. 3. *And be it further enacted,* That the commissioners court of roads and revenue, shall have power to appoint commissioners to mark out a road from Beachamp neighborhood, to intersect the abovementioned road at the nearest and most practicable point, and the said court shall also be authorized to grant an order for the same.

Sec. 4. *And be it further enacted,* That the apportioners for beat number one, be authorized to apportion the hands to said road when granted.

Sec. 5. *And be it further enacted*, That the hands so appointed shall be required to work, as the second section of this act provides that other hands shall work on the Indian road.

Sec. 6. *And be it further enacted*, That the first and second sections of the aboverecited act be, and the same is hereby repealed.

Approved, January 4, 1832.

AN ACT

To authorize Joseph G. Garrett and James W. Hill, of Madison County, to build a Mill on the River Paint Rock, in said County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Joseph G. Garrett and James W. Hill, of Madison county, be, and they are hereby authorized to build a mill on the Paint Rock river, in said county, on the fractional section number thirteen, in township number six, of range number two, east of the basis meridian in the district of lands sold at Huntsville.

J. G. Garrett and J. W. Hill authorized to build a mill

Sec. 2. *And be it further enacted*, That the mill-dam of said mill shall be so constructed as in no wise to impede the free passage and navigation of the Paint Rock river, for all kinds of vessels or water craft which usually run said river, under penalty of having the same removed as a nuisance, by order of any court having competent jurisdiction thereof.

Mill-dam not to impede navigation

Sec. 3. *And be it further enacted*, That the dam of the mill aforesaid, shall likewise be so constructed as not to raise the waters of the said river higher than seven feet above the shoals thereof, where the said mill is intended to be erected, and shall be of that description of dams termed sloping dams.

Sec. 4. *And be it further enacted*, That the said Joseph G. Garrett and James W. Hill, shall be, and they are hereby bound to construct and put a lock in their said dam, or other convenient passway, under the penalty of having the said dam removed as aforesaid.

Approved, January 20, 1832.

AN ACT

To authorize John H. Garrett to open a certain Road therein named, and to keep a Ferry on the Coosa River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John H. Garrett be, and he is hereby authorized to open a road to commence at or near his farm on the Coosa river, to run from thence through the Creek nation to the line between this State and the State of Georgia, at such place as he, said John H. Garrett, may think proper.

J. H. Garrett authorized to open a road from a certain point on the Coosa to the Georgia line

Sec. 2. *And be it further enacted*, That Abraham Wharton and Jehu Littlefield be, and they are hereby appointed commissioners, whose duty it shall be to examine said road: and if in their opinion it shall be opened in such manner as to admit of the safe and easy passage of carriages, they shall so report to the judge of the circuit court at one of the stated terms of holding court for St Clair county; whereupon, it shall be the duty of said judge to grant to the said John H. Garrett, license to keep a fer-

Commissioners appointed to examine road

To make report.

ry on the Coosa river, where said road may cross the same, agreeably to the law now in force regulating the licensing of ferries.

Ferry authorized

Compensation to commissioners

Sec. 3. *And be it further enacted*, That the commissioners who may be appointed under the provisions of this act, shall each receive one dollar per day for the time they may be necessarily engaged in such service, to be paid by the said John H. Garrett.

Approved, January 12, 1832.

AN ACT

To establish a Road therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the road leading from John Gill's grist-mill and from John M'Gill's saw-mill to the Blakely road, near Thompson's spring, in Monroe county, be declared a public highroad, and that the same shall be kept open and in repair at the expense of the said John and John M'Gill: *Provided*, that this act shall not be so construed as to authorize the said John Gill and John M'Gill to run said road over the land belonging to individuals in the neighborhood of said road, unless with the consent of said individuals or owners, or unless the said individuals or owners shall be compensated for the injury done to their lands in consequence of the privilege abovegranted as now provided by law for the establishment of public roads.

Road from J. & J. M'Gill's to the Blakely Road declared a public road

Proviso

Repeal

Sec. 2. *And be it further enacted*, That all acts contrary to this act be, and is hereby repealed. Approved, January 5, 1832.

AN ACT

To authorize Enoch H. M'Natt to change a Part of the State Road leading from Tuscaloosa to Bainbridge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Enoch H. M'Natt is hereby authorized and empowered to change the direction of the State road leading from Tuscaloosa to Bainbridge, on the Tennessee river, so as to run on the east said of his buildings: *Provided*, that the distance of the new route shall not be more than one half mile from where it leaves the present road to where it intersects the same: *And provided further*, that the ground on which it will run is equally firm and good as where it now runs. Approved, January 5, 1832.

E. H. M'Natt authorised to change direction of road.

AN ACT

To authorize Barnabas Blackman and his associates to Turnpike a certain Road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Barnabas Blackman, of the county of Lowndes, and his associates, be, and they are hereby authorized to turnpike all that part of a road lately opened by order of the county court of Lowndes county, leading from Hayneville to Greenville, in Butler county, which is subject to be overflowed by water from freshets in Big Swamp creek, and that the said road shall be opened twenty feet wide; shall be cleared of stumps; and trees cut down

Barnabas Blackman & associates authorized to turnpike part of road leading from Hayneville to Greenville.

Width of road, &c

within four inches of the ground, and to be causewayed, with ditches on each side the causeway, to be raised above high-water mark, and to be levelled so as to be safe and easy for the passage of horsemen, carriages, &c.

Commissioners appointed to examine road

Sec. 2. *And be it further enacted*, That James W. Wade and Thomas Garry, and Lawrence Rambo, be, and they are hereby appointed commissioners to review and examine the condition of said road twice every year, and report the condition of said road to the county court of Lowndes; and so soon as the said Barnabas Blackman and his associates, shall have put said road in such order as they think complies with the requisition of this act, they are hereby authorized to call on said commissioners whose duty it shall be to view the situation of said road, and report the same to the county court; and if said commissioners shall recommend the erection of a gate, the judge shall cause an order to be made authorizing the same, and the clerk of said county court shall, upon demand, deliver to the said Barnabas Blackman and his associates, a copy of said order, which shall be authority to them to erect a gate on said road, and receive the following toll for passing the same, to wit: for each wagon, fifty cents; for each ox cart, twenty-five cents; for each horse cart, eighteen and three fourth cents; for each four-wheeled pleasure carriage, fifty cents; for each two-wheeled pleasure carriage, twenty-five cents; for each carryall or dearbourn, twenty-five cents; for a man and horse, twelve and a half cents; for each led or loose horse, six and a fourth cents; for each head of cattle, two cents; for each head of hogs, sheep or goats, one cent: *Provided*, that nothing in this act shall be so construed, as to authorize the said Barnabas Blackman and his associates, to demand toll of any person travelling on foot, or jurors, or State's witnesses going to or returning from any court, or persons going to or returning from any public muster, court-martial, election, or any place of divine worship: *Provided*, that the General Assembly shall have power to reduce the toll allowed by this act, after the expiration of five years from the passage thereof, on the petition of two hundred citizens of said county.

To report to County Court.

Toll-gate.

Rate of tolls

Exemption

Toll may be reduced after the term of five years

Proceedings if the road is not kept in good order

Sec. 3. *And be it further enacted*, That whenever the judge of the county court of Lowndes county, shall be informed in direct terms by any one of said commissioners, or by any other person, on oath, subscribed by the party giving such information, that said road, or any part thereof, is out of repair, said judge shall forthwith notify said Barnabas Blackman, or either of his associates, of the fact, and require of him, or either of his associates, without delay, to repair the same, and his failing so to do within a reasonable time, said judge shall order a review of said road by the commissioners, and should said commissioners find such breach actually to exist, they shall open the gate and report accordingly to said judge, and said commissioners shall receive one dollar per day while in such service, to be paid by the said Barnabas Blackman and his associates, on the produc-

Commissioners compensation.

tion of the order of said judge, to be made to that effect; and should the said Barnabas Blackman and associates, by themselves or agent, receive any toll before the road shall have been repaired, and received by the court or judge thereof, as directed by the third section of this act, they shall forfeit and pay five dollars for every such offence, to any person who shall sue for the same.

Penalty

When to put road in repair

Sec. 4. *And be it further enacted*, That said road shall be put in repair as required by this act, within one year from the first day of March next, otherwise all the rights and privileges granted by this act shall be forfeited; and should the said Barnabas Blackman and associates, for two months at any time, refuse to repair said road, after the gates shall have been opened by said commissioners under the direction of the court, in pursuance of the provisions of this act, all the rights and privileges herein to them granted shall be forfeited.

Articles of agreement to be presented to County Court & recorded

Sec. 5. *And be it further enacted*, That the said Barnabas Blackman and his associates, shall, within six months after the passage of this act, present to the judge and road commissioners for the county of Lowndes, their articles of agreement and association, which shall be duly recorded by the clerk of said court.

Right vested for ten years

Sec. 6. *And be it further enacted*, That the said Barnabas Blackman and his associates, shall be entitled to all the privileges and immunities hereby granted, for and during the term of ten years from the passage of this act.

Penalty for refusing to pay toll

Sec. 7. *And be it further enacted*, That if any person shall attempt to evade the payment of any toll or tolls allowed by this act, by passing through the gate authorized by this act to be set up, arbitrarily, or having passed, refuse or neglect to pay the toll allowed in this act, or pass round the said gate, such person or persons so offending, shall pay to the said Barnabas Blackman and his associates, his or their agents, the sum of five dollars for every such offence, recoverable before any justice of the peace in this State having cognizance thereof.

Penalty for obstructing road

Sec. 8. *And be it further enacted*, That any person or persons who shall in any manner impair, or in any manner whatever, obstruct the said road, either before or after its completion, such person or persons, on conviction before any justice of the peace for this State having cognizance thereof, shall pay to the said Barnabas Blackman and his associates, or to his or their agents, the sum or sums of money, or suffer such other fines and forfeitures, as are or may be assessed or inflicted by the laws of this State regulating public highways.

Vacancies in the Board of Commissioners, how filled

Sec. 9. *And be it further enacted*, That in the event of the death, resignation or refusal to act, of either or all the commissioners appointed by this act, it shall be the duty of the judge of the county court of Lowndes county, to fill such vacancy or vacancies, and the commissioners so appointed shall have all the powers vested by this act in the original commissioners: *Provided*, that nothing in this act shall be so construed as to authorize the proprietors aforesaid to exercise banking powers.

Approved, January 12, 1832.

AN ACT

Supplemental to an Act to establish a Turnpike Road therein mentioned, approved January the 7th, 1830.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Robert H. Rodgers, Yelverton C. Woodward, and their associates, be, and they are hereby authorized to erect two turnpike gates at some convenient place on the road established by the aboverecited act to which this is a supplement, should they conceive it their interest so to do: *Provided*, they shall receive not more than half the amount of toll at each gate, agreeably to the rates prescribed in the third section of said act to which this is a supplement: *And provided further*, that not more than one gate shall be in Morgan county: *And provided further*, that the citizens of Morgan county shall be entitled to pass each gate free from any toll.

R. H. Rodgers and Y. C. Woodward, &c. authorized to ereet toll-gates

Proviso

Citizens of Morgan to pass free of toll

Sec. 2. *And be it further enacted*, That if the said Robert H. Rodgers, Yelverton Woodward, and their associates, or any agent under them, shall charge, collect, or receive any toll from any person or persons, being a citizen or citizens of Morgan county, under any pretext whatever, for passing either of said gates, they shall forfeit and pay to every such person or persons, five times the amount so charged, collected or received, to be recovered before any justice of the peace, with all legal costs thereon.

Penalty for receiving toll from citizens of Morgan

Sec. 3. *And be it further enacted*, That the said Robert H. Rogers, Yelverton C. Woodward, and their associates, shall not be authorized to erect or put any toll-gate on that part of the road upon which the Georgia road leading from Sommerville to Coxes, by way of Creek-path, now or may hereafter run.

Where to place gates

Sec. 4. *And be it further enacted*, That nothing in this act shall be so construed as to deny the right to the General Assembly of amending or repealing this act at any time.

Approved, January 21, 1832.

AN ACT

To authorize Cornelius Rain to establish a Turnpike Road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Cornelius Rain be, and he is hereby authorized to open and establish a turnpike road, leading from the Mississippi State line, near the bridge erected over Dog river, by authority of the State of Mississippi, to the residence of Edward Chastang, in the county of Mobile.

Cornelius Rain authorized to establish a turnpike

Sec. 2. *And be it further enacted*, That the said Cornelius Rain, upon entering into bond with good security, to be approved by the judge of the county court of Mobile county, in the sum of one thousand dollars, conditioned to keep the said road in good repair and order, shall be entitled, and is hereby empowered to demand and receive from persons travelling upon said road, such fees or toll as may be established and appointed to him to receive by the county court and commissioners of roads and revenue of Mobile county.

On giving bond to keep road in good repair, to receive toll:

Right vested for ten years

Sec. 3. *And be it further enacted,* That said privileges in this act specified, shall be and enure to him, the said Cornelius Rain, and his heirs, for the space of ten years, and no longer: *And further,* that no person shall be privileged to open and establish any turnpike or other public road within two miles of said road.

Approved, January 21, 1832.

1831

AN ACT

To alter a Road therein named.

State road from Montevallo to Selma to be altered.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the State road leading from Montevallo to Selma, be altered as follows: beginning at Montevallo and running directly to the bridge over Shoal creek, thence in a direct line to the corner stake between the lands of Samuel W. Mardis and Moses Johnson, thence due south along the eastern boundary line of said Johnson's land till it again intersects the old road as now marked out: *Provided,* that Samuel W. Mardis and Daniel E. Watrous shall first open the road hereby altered, from the town of Montevallo, as far south as their lands extend.

Proviso

Sec. 2. *And be it further enacted,* That the old road between said points of intersection and Montevallo, be, and the same is hereby discontinued.

Approved, December 29, 1831.

1832

AN ACT

Authorizing certain Persons therein named to erect a Bridge across Flint Creek, in Morgan County.

James L. Smith and Francis Crow authorized to build a bridge.

Section 1. *Be it enacted by the Senate and House of Representatives of the State Alabama in General Assembly convened,* That James L. Smith, and Francis Crow, of Morgan county, and their associates, be, and they are hereby authorized to build a bridge across Flint creek, in the county aforesaid, at or near the red bank ford, on said creek.

Free of toll

Sec. 2. *And be it further enacted,* That said bridge, when completed, shall remain free for all persons to pass and repass free of toll.

Approved, January 4, 1832.

AN ACT

To alter the Name of a certain Town therein named.

Columbiana

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of the town of Columbia, in Shelby county, be, and the same is hereby altered to that of Columbiana.

Approved, January 13, 1832.

AN ACT

To extend the Corporation of the Town of Athens, in Limestone County.

Athens, limits extended

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the corporation of the town of Athens, in Limestone county, be, and the same is hereby extended from its present limits four hundred yards north and three hundred west, under the same rules, restrictions and regulations as imposed by the original act of incorporation.

Approved, January 5, 1832.

AN ACT

To authorize Willis Atkins and others, to erect certain Gates therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Willis Atkins, of the county of Montgomery, be, and he is hereby authorized to erect a gate across the public road running through fraction thirty-four, township seventeen, range twenty, west of the Tallapoosa river, in the county of Montgomery.

Willis Atkins authorized to erect a certain gate.

Sec. 2. *And be it further enacted,* That W. D. Westmoreland, of the county of Montgomery, be, and he is authorized to erect a gate across the public road running through fraction thirty-four, township seventeen, range twenty, west of the Tallapoosa river.

Wm. D. Westmoreland authorized to erect a certain gate

Sec. 3. *And be it further enacted,* That Thomas M. Cowles, of the county of Montgomery, be, and he is hereby authorized to erect a gate across the public road running through fraction thirty-one, township seventeen, range twenty, east of the Alabama river.

Tho's M. Cowles authorized to erect a certain gate

Sec. 4. *And be it further enacted,* That all the gates by this act authorized to be erected, shall be large, so as to admit of the easy passage of four-horse wagons, to be so hung as to be easily opened, and no charge shall be made to any one for passing through the same.

Gates to be easily opened, well hung, and no toll to be charged

Approved, January 21, 1832.

AN ACT

To authorize the Establishment of a Road from Florence to the Tennessee Line.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That John Chisolm, William M. Barton, Thomas B. Jones, R. H. C. Sessums, Matthias Richardson, Alsemus Kendrick, and James Benham, be, and they are hereby appointed commissioners to review and lay out a road the nearest and best way from Florence, in the county of Lauderdale, to the house of Edmund Poteete, on the line between the States of Alabama and Tennessee.

Commissioners appointed to review and lay out road

Sec. 2. *And be it further enacted,* That any five of said commissioners shall have power to act, after first taking the oath prescribed by law to juries of review; and it shall be their duty to lay out and mark said road, without any regard to any other road now established by law, but having due regard to the suitableness of the land for a road, and the distance to said designated point.

Any five commissioners may act

Their duty.

Sec. 3. *And be it further enacted,* That after the review and marking of said road, it shall and may be lawful for the citizens of said county to cut out said road at their own expense.

Citizens to cut out road at their own expense.

Sec. 4. *And be it further enacted,* That after said road shall be cut out as aforesaid, it shall be and remain subject to the control of the county court of roads and revenue, for the purpose of keeping the same in repair, but for no other purpose whatever.

Road under control of County Court

Approved, January 20, 1832.

AN ACT

To reduce the Size of the several Divisions and Brigades of the Militia of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, that the militia of this State shall be composed of seven divisions: the first division to consist of the counties of Jackson, Madison, Limestone and Lauderdale; the second division, of the counties of Tuscaloosa, Pickens, Fayette, Marion, Lawrence and Franklin; the third division, of the counties of Bibb, Perry, Greene and Marengo; the fourth division, of the counties of Conecuh, Monroe, Butler, Clarke, Washington, Mobile and Baldwin; the fifth division, of the counties of Henry, Pike, Dale, Covington and Lowndes; the sixth division, of the counties of Montgomery, Autauga, Dallas and Wilcox; the seventh division, of the counties of Shelby, Jefferson, St Clair, Blount, Walker and Morgan. Each of which divisions shall be commanded by a major-general, and the same to form the following brigades, to wit: the first brigade to be composed of the militia of the county of Madison; the second, of the counties of Limestone and Lauderdale; the third, of the counties of Shelby, Jefferson and St Clair; the fourth, of the counties of Lawrence, Franklin and Marion; the fifth, of the counties of Tuscaloosa, Pickens and Fayette; the sixth, of the counties of Greene and Marengo; the seventh, of the counties of Dallas and Wilcox; the eight, of the counties of Conecuh, Monroe and Butler; the ninth, of the counties of Washington, Mobile, Baldwin and Clarke; the tenth, of the county of Jackson; the eleventh, of the counties of Henry, Dale and Covington; the twelfth, of the counties of Morgan, Blount and Walker; the thirteenth, of the counties of Lowndes and Pike; the fourteenth, of the counties of Bibb and Perry; the fifteenth, of the counties of Montgomery and Autauga: each of which shall be commanded by a brigadier-general.

1st Division
2d Division
3d Division
4th Division.
5th Division
6th Division
7th Division
1st Brigade
2d Brigade
3d Brigade
4th Brigade
5th Brigade
6th Brigade.
7th Brigade
8th Brigade
9th Brigade
10th Brigade
11th Brigade
12th Brigade
13th Brigade
14th Brigade
15th Brigade

Governor to order elections for Major and Brigadier Generals

Sec. 2. *And be it further enacted*, That the Governor be, and he is hereby authorized and required to order the elections for major and brigadier generals, in conformity with the militia laws now in force.

Duties of Major and Brigadier Generals

Sec. 3. *And be it further enacted*, That major-generals shall review the regiments of their respective commands once in two years; and that brigadier-generals shall review the different regiments in their respective commands once in each and every year.

Repeal

Sec. 4. *And be it further enacted*, That all acts contravening the provisions of this act, be, and the same are hereby repealed.

Approved, January 21, 1832.

AN ACT

To establish an Academy of Learning at Triana, Madison County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That for the purpose of establishing an academy at Triana, in Madison county, William I. Adair, William T. Young, Daniel

Academy in Triana established

H. Tillinghast, Samuel Breck, William A. Aikin, Edward W. Parker, Richard Forsey, William Stewart, and Hutchinson Dent, as trustees of said institution, and their successors in office, to be elected or appointed in such manner as may be prescribed by the rules, regulations and by-laws of said academy, be, and they are hereby constituted a body corporate, by the name and style of "The Trustees of the Triana Academy;" and as such shall have perpetual succession, sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law or equity in this State; and to make such rules and regulations as they may deem necessary or proper for the government of said institution, not repugnant to the constitution and laws of this State and of the United States; and the same to alter, repeal or amend at pleasure. Style

Sec. 2. *And be it further enacted by the authority aforesaid,* That the said corporation, by their name aforesaid, shall be able and capable, in law, to purchase, have, hold and enjoy, for the use of said institution, in perpetuity, or for any term of years, any estate or property, real or personal, and to sell, alien, or otherwise dispose of the same as they shall think proper; and for the purpose of transacting their business, they are hereby authorized to have and use a common seal, which they may alter or make new, as often as they may deem expedient. Powers

Sec. 3. *And be it further enacted by the authority aforesaid,* That a fair proportion of the nett annual proceeds of the sixteenth section of the township in which said academy is situated, shall be paid by the commissioners of said section to the trustees aforesaid, and their successors, to be applied by them for the tuition of such children of the township as may be sent to said academy. Portion of proceeds of 16th Section to be appropriated

Approved, January 21, 1832.

AN ACT

To discontinue and establish certain Election Precincts therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the election precinct at the house of Benjamin Pennington, in Fayette county, be discontinued, and that one in lieu thereof be established at the house of John Warren. Election precinct in Fayette

Sec. 2. *And be it further enacted,* That the election precinct at the house of Christopher Lowrys be discontinued, and one in lieu thereof be established at the house of Jesse Shoemakers, and also that an additional one be established at the house of William O. Russels.

Sec. 3. *And be it further enacted,* That an additional election precinct be, and the same is hereby established at the house of James Richards, in Fayette county.

Sec. 4. *And be it further enacted,* That the election precinct heretofore established at the house of Samuel Elliott, in the county of Lawrence, be discontinued, and an election precinct be, and the same is hereby established at the house of Daniel Burfords, in said county. In Lawrence

Approved, January 20, 1832.

AN ACT

To discontinue and establish certain Election Precincts therein specified.

Election precincts discontinued

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the election precincts heretofore established by law at the places following, to wit: at the house of Thomas M'Gees, at the house of Isaac C. Perkins, and at Hildriths, in the county of

In Marengo

Marengo; at the house of William Saunders, in the county of

In Pickens

Pickens; at the house of Ephraim Daniels, commonly called

In Butler

Patterson's place, in the county of Butler; at the house of Mr

In Monroe

Hays, near Burt Corn, in the county of Monroe; at Harley Wil-

In Baldwin

liamson, in the county of Baldwin; at the place called Skinner's precinct, and at the house of James Phillips, in the county of

In Autauga

Autauga; at the house of John M. Archers, in the county of

In Lowndes

Lowndes; at the house of Henry Box, and at the place known as Kelly's old store precinct, or as the old store precinct, and at the house of James Thomason, formerly known as Thomas C.

In St Clair

Bradfords, in the county of St Clair; at the house of Jacob G.

In Mobile

Collins, in the county of Mobile; at the house of William War-

In Greene

ren, in county of Greene; and at Smith's ferry, in the county of

In Perry

Perry, be, and the same is hereby abolished and discontinued.

Established

Sec. 2. *And be it further enacted,* That the election precincts be, and the same are hereby established at the places following, to wit: one at the house of Benjamin Iverson, in the town of

In Irwinton

Irwinton, one at the house of Mr Stewarts, better known by the name of Buckhead, and one at the house of Jacob Lamb, one at the store-house of Thomas Warren, one at the house of George

In Pike

Lowry, in the county of Pike; one at the house of William

In Jackson

Blancett, in the county of Jackson; and at the Warrior Bridge

In Washington

post office, in the county of Washington; one at the house of James Moore, in beat No. 7, regiment 18, and one at the house

In Tuscaloosa

of Charles Pate, in the county of Tuscaloosa; one at the house

In Madison

of John M'Nulty, in the town of M'Nulty, in the county of Ma-

In Perry

dsion; one at Holliday's stone, in the county of Perry; one at the Big Spring at the grocery house of Lewis S. Riggs, one at the house of James Laughridge; one at the house of Melkijah Alney, Esq., and one at the house of Maj. David Conner, in the county

In St Clair

of St. Clair; one at the store of Coleman & Armstrong, in the

In Lowrdes

county of Lowndes; one in the town of Kingston, and one at

In Autauga

Goff's mills, in the county of Autauga; one at Smith's old field,

In Monroe

in the county of Monroe; one at the house of John Warren, one at the house Jesse Shoemakers, one at the house of William Reader, in township 14, range 12, and one at the house of Wm. O. Russell,

In Fayette

in the county of Fayette; one at Fort Dale, one at the house of John Tinsley, one at Underwood's mill, and one at the house of

In Butler

Wright & Jones, in the county of Butler; one at the store-house of Joseph D. Kilpatrick, and one at the house of Piram Pollards,

In Pickens

in the county of Pickens; one at Norton's store, one at James Pickens' mill, one at the town of Arcola, one at the house of William Fowler, and one at the house of Henry Bates, in the

county of Marengo; one at the store-house of Isham Daniels, in the county of Greene; one at the house of Leavy Heaths, in the county of Henry; one at the house of John Camp, in the county of Jefferson; one at the house now occupied by Jonathan Chisholm, at Spring Hill, formerly the residence of Jacob Page, one at the house of Henry Miller, on the Pascagoula road, one at the house of John B. Bozard, and one at John F. Pagle's creek house, in the county of Mobile; one at Messrs Mervin and Vastbinder, in the county of Baldwin; and one at the place where Willis H. Jones is now settling, in the county of Shelby. In Marengo In Greene In Henry In Jefferson In Mobile In Baldwin In Shelby

Sec. 3. *And be it further enacted*, That the election precinct heretofore established at the house of Samuel Elliott, in Lawrence county, be, and the same is hereby discontinued; and that one be, and is hereby established at the store-house of William Hayter & Co. on Fox's creek, in said county of Lawrence. In Lawrence

Sec. 4. *And be it further enacted*, That election precincts be, and the same are hereby established at the following places, to wit: one at the house of James Hatton, in Shelby county; one at the house of Robert Love, in Pickens county; one at the house of Thomas G. Aikin, in the county of Dale. In Shelby In Pickens In Dale

Sec. 5. *And be it further enacted*, That the election precinct heretofore established at the house of James Jameson be discontinued, and one in lieu thereof established at the store-house of Asa Carter, in the county of Montgomery. In Montgomery

Sec. 6. *And be it further enacted*, That the election precinct established at the store-house of Bennett Chambers be discontinued, and in lieu thereof be established at the store-house of Hill B. Williams, in the county of Henry. In Henry

Sec. 7. *And be it further enacted*, That the election precinct heretofore established at Hudson's old place, in Tuscaloosa county, shall be, and the same is hereby diecontinued; that in lieu thereof, an election precinct shall be established at the house of William Blocker. In Tuscaloosa

Approved, January 20, 1832.

AN ACT

Amendatory to the Laws concerning Divorce.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the several circuit courts of this State shall be, and they are hereby invested with full power and authority, to decree divorces in the manner prescribed by law, and in the following cases, that is to say: in favor of the husband, where his wife shall have been taken in adultery, or voluntarily left his bed and board for the space of three years, with intention of abandonment: and in favor of the wife, where her husband shall have left her for the space of three years, with intention of abandonment; or where he shall have abandoned her, and lived in adultery with another woman; or where his treatment to her is cruel, barbarous, and inhuman. Circuit Courts authorized to decree divorces. Causes of divorce

Sec. 2. *And be it further enacted*, That all laws contravening the provisions of this act, be, and the same are hereby repealed. Repeal

Approved, January 21, 1832.

AN ACT

To divorce certain Persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in conformity with the decree of the circuit court of Marengo county exercising jurisdiction in chancery, the bonds of matrimony heretofore solemnized and subsisting between Wooden M. Burge and Nancy Burge, be, and the same are hereby declared null and void; and that the said Wooden M. Burge be henceforth divorced from the said Nancy Burge.

Wooden M. Burge from Nancy Burge

Sec. 2. *And be it further enacted,* That in conformity with the decree of the circuit court of Walker county exercising jurisdiction in chancery, the bonds of matrimony heretofore solemnized and subsisting between Jackson Pate and Mahala Pate, be, and the same are hereby declared null and void, and that the said Jackson Pate be henceforth divorced from the said Mahala Pate.

Jackson Pate from Mahala Pate

Sec. 3. *And be it further enacted,* That in conformity with the decree of the circuit court of Limestone county exercising jurisdiction in chancery, the bonds of matrimony heretofore solemnized and subsisting between James Levesque and Sarah Levesque, be, and the same are hereby declared null and void, and that the said James Levesque be henceforth divorced from the said Sarah Levesque.

James Levesque from Sarah Levesque

Sec. 4. *And be it further enacted,* That in conformity with the decree of the circuit court of Limestone county exercising jurisdiction in chancery, the bonds of matrimony heretofore solemnized and subsisting between John R. Murphy and Lucy Murphy, be, and the same are hereby declared null and void, and that the said John R. Murphy be henceforth divorced from the said Lucy Murphy.

J. R. Murphy from Lucy Murphy

Sec. 5. *And be it further enacted,* That in conformity with the decree of the circuit court of Greene county exercising jurisdiction in chancery, the said bonds of matrimony heretofore solemnized and subsisting between Elijah Moore and Sarah Moore, be, and the same are hereby made void, and that the said Elijah Moore be henceforth divorced from the said Sarah Moore.

Elijah Moore from Sarah Moore

Sec. 6. *And be it further enacted,* That in conformity with the decree of the circuit court of Madison county exercising chancery jurisdiction, the bonds of matrimony heretofore solemnized and subsisting between Sarah Hine and Wyldman Hine, be, and the same is hereby made void, and that the said Sarah Hine be henceforth divorced from the said Wyldman Hine.

Sarah Hine from Wyldman Hine

Sec. 7. *And be it further enacted,* That in conformity with the decision and decree of the circuit court of Dale county exercising chancery jurisdiction, pronounced and entered in at the October term of said court, eighteen hundred and thirty-one, the bonds of matrimony heretofore solemnized and subsisting between Aaron Lockheart and Mary Lockheart, his wife, be, and the same is hereby annulled and made void, and that the said Aaron Lockheart be henceforth divorced from the said Mary Lockheart.

Aaron Lockheart from Mary Lockheart

Approved, January 21, 1832.

AN ACT

In part to repeal an Act to incorporate the Town of Carrollton, in the County of Pickens, and Fayetteville, in the County of Fayette, and for other Purposes, approved 15th January, 1831.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the corporate limits of the town of Carrollton, in Pickens county, shall be and extend one half mile in every direction from the centre of the public square, in said town of Carrollton. Corporate limits of Carrollton extended

Sec. 2. *And be it further enacted,* That all laws and parts of laws contrary to the provisions of this act, be, and the same are hereby repealed. Repeal

Sec. 3. *And be it further enacted,* Should a vacancy occur in the board of aldermen of said town, the same shall be filled by the mayor and remaining aldermen; and the person or persons so elected shall hold his or their office until the next regular election for aldermen of said town of Carrollton by the citizens thereof; and in case of a vacancy in the mayoralty of said corporation, the same shall be filled by the aldermen, who in like manner shall hold his office until the same shall be filled in the manner prescribed by the act to which this act is an amendment. Vacancies, how filled

Sec. 4. *And be it further enacted,* That the citizens of said town or corporation of Carrollton shall be exempt from working on any road or roads out of the bounds of said corporation, for the space of twelve months from the 1st day of January next: *Provided however,* that they shall be compelled to work on all roads within the bounds of said corporation, as also the streets and public square of said town of Carrollton: *And provided further,* that nothing in this act, or the act to which this act is an amendment, shall be so understood as to compel or require any person or persons residing out of the bounds of said corporation, to work within the same. Citizens of Carrollton exempt from road duty outof corporation for a certain time

Proviso

Approved, January 18, 1832.

AN ACT

To add a part of the County of Tuscaloosa to Fayette County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the seventeenth township of range eleven, west, in the county of Tuscaloosa, with the exception of sections thirteen, fourteen, twenty-three, twenty-four, twenty-five, twenty-six, thirty-five and thirty-six, in said township, be, and the same is hereby added to, and made a part of the county of Fayette. Part of Tuscaloosa added to Fayette

Approved, January 20, 1832.

AN ACT

To change the Name of a certain Person therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of Joseph Morgan M'Affry, be changed to that of Joseph Morgan Bradford; and that he be hereafter known and called by said name of Joseph Morgan Bradford. J. M. M'Affry's name changed to J. M. Bradford

Approved, January 5, 1832.

AN ACT

To discontinue and establish certain Election Precincts therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the election precinct heretofore established at the house of James Doyles, in the county of Blount, be, and the same is hereby discontinued, and one in lieu thereof be established at the house of G. H. Harrisson, and one at the house of Robert Cosbys, both in the county of Blount.

Election precincts in Blount

Sec. 2. *And be it further enacted,* That an election precinct be, and the same is hereby established at the house of James Leslie, in the county of St. Clair. Approved, January 21, 1832.

In St Clair

AN ACT

To authorize Thomas M'Daniel to collect Toll on a Bridge across the Conecuh River, at the Town of Montezuma.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, Thomas M'Daniel, be, and he is hereby authorized to collect toll on a bridge across the Conecuh river, in Covington county, at the town of Montezuma: *Provided,* the commissioners court of roads and revenue shall have the power of regulating toll as they have in all other cases under the road laws now in force.

Approved, January 13, 1832.

AN ACT

To change a certain Road therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the State road north of Montevallo, in Shelby county, as runs from the north end of Joseph H. Cunningham's land, to where the same intersects the old road, which runs by way of Mrs Frost's spring, be, and the same is hereby discontinued; and that said road shall hereafter run the way the aforesaid old road now runs to where it intersects the present road.

A certain part of State road north of Montevallo discontinued

Approved, January 18, 1832.

AN ACT

To authorize Samuel Savage, Administrator of Alexander Farris, to make Titles to a certain Tract of Land therein specified.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Samuel Savage, administrator of Alexander Farris, deceased, be, and he is hereby authorized to convey to Eaton Grissom, a good and sufficient title to that part or portion of the south-west quarter of section thirty-five, of township one, of range twelve, west, containing one hundred and thirty-two acres or thereabouts, according to the limits and boundaries expressed and stipulated in the bond given and executed by James Farris, for titles, which bond the said Grissom now holds as assignee, according to the contract of the said deceased, in his lifetime: *Provided,* that nothing in this act shall prejudice the claims of creditors and minors.

Administrator of Alex. Farris to make title to certain land

Approved, January 19, 1832.

AN ACT to authorize the Judge of the County Court and Commissioners of Revenue and Roads of Walker County to have the Records of said County transcribed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court and commissioners of revenue and roads of the county of Walker, be, and they are hereby authorized to employ some suitable person to transcribe the records of the clerk's office of the county court of said county, in well bound books, as required by law, and to pay for the same out of any funds of said county not otherwise appropriated.

County Court of Walker to have records of said Courttranscribed

Approved, January 21, 1832.

AN ACT authorizing the Judge of the County Court of Montgomery County to grant Permission to Robert J. Ware and others, to make Titles to certain Lands therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the county court of Montgomery county be, and he is hereby authorized to grant permission to Robert J. Ware, Thomas M. Cowles and William Robinson, executors of Robert Ware, deceased, to make titles to William Berry to the east half of the northwest quarter of section twenty-two, township sixteen, range eighteen, and to the west half of the northeast quarter of section twenty-two, township sixteen, range eighteen: *Provided*, the judge of said court shall be satisfied that titles should be made.

County Court of Montgomery to authorize Executors of Robert Ware to make titles to certain lands.

Approved, January 16, 1832.

AN ACT

To authorize William B. Norris to erect a Mill on the Cahawba River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William B. Norris be, and he is hereby authorized to build a water grist and saw mill, at a place known and designated as the lowest shoal of the Falls of Cahawba river, and opposite the town of Centreville, in Bibb county, with power to make a wing-dam of such length and height as will furnish a sufficient quantity of water for the use of the same: *Provided*, the free and full navigation of said river, embracing the main channel of said river, shall not be thereby obstructed.

W. B. Norris authorized to erect a mill

Proviso

Approved, January 12, 1832.

AN ACT to authorize John Wilks, Administrator of Philip Wilks, deceased, to make Titles to certain Tracts of Land therein specified.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Wilks, administrator of Philip Wilks, deceased, be, and he is hereby authorized to convey to Newman Wilks, a good and sufficient title to the south half of the east half of the northwest quarter, and also to the south half of the west half of the northeast quarter of section eight of township two of range eleven, west, according to the contract of said deceased in his lifetime; *Provided*, that nothing in this act shall prejudice the claims of the creditors and minors of said deceased.

Administrators of P. Wilks authorized to convey real estate

Approved, January 19, 1832.

AN ACT

To authorize and provide for the liquidation of the Claims of Hiram P. Cochran.

County Court to settle claims

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the court composed of the judge of the county court and commissioners of revenue and roads of Tuscaloosa county, shall have power and authority to examine, pass upon, and finally settle all claims which Hiram P. Cochran, late sheriff of Tuscaloosa county, may exhibit against the said county, according to the rules of equity, and make payment to him of any balance which may be thus ascertained to be due, out of any money in the treasury of said county not otherwise appropriated.

Approved, January 18, 1832.

AN ACT

To authorize James Doran to emancipate certain Slaves therein named.

James Doran authorized to emancipate certain slaves

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James Doran, of Jackson county, be, and he is hereby authorized to (to take effect at his discretion) emancipate and set free, slaves of the following names, viz: Sally, Anna, Jack, Catsy, Davy, Emeline, Eliza, Jane, Nancy, Amanda, Jerry and Polly: *Provided*, he shall previously convey to the judge of the county court of said county, and his successors, six hundred and forty acres of land on which he now resides, or lands equal in value thereto, in trust forever, for the use of said slaves, as security that they shall not become chargeable on any city, county or town in this State.

Proviso

Approved, January 20, 1832.

AN ACT

To authorize the Executors of Allen Riley, late of the County of Autauga, to sell the Land which belonged to said decedent, and for other Purposes.

Executors of A. Riley to sell certain lands

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the executors of the estate of Allen Riley, late of Autauga county, are hereby authorized to sell at public auction the land which belonged to said Allen Riley at the time of his death, on giving at least thirty days' notice by advertisement at three or more public places in said county; and also, on giving bond and sufficient security to the judge of the county court of Autauga county, conditioned to faithfully account to the heirs of said Allen Riley for the proceeds of said sales, when required.

To give bond to County Court

Administrators of S. Lewis to sell and convey certain real estate

Sec. 2. *And be it further enacted*, That the administrators of Sherrard Lewis, late of Conecuh county, deceased, be, and they are hereby authorized and empowered to sell and convey the real estate of Sherrard Lewis, deceased, situate in the county of Conecuh, on giving thirty days' notice of the time and place of said sale: *Provided*, they enter before said sale, into good and sufficient bond to secure the rights of the heirs and creditors of said estate.

Proviso

Sec. 3. *And be it further enacted*, That William Hall, guardian of the heirs of Thomas H. Hall, deceased, be, and he is hereby authorized to sell at public auction, the southwest quarter of section six, in township seventeen, and range seventeen, the property of his wards, on giving thirty days' notice by publication in one of the newspapers printed in Montgomery, and advertising the same at three of the most public places in the county of Autauga; and on express conditions, that the said William Hall, guardian as aforesaid, enter into bond and security, such as shall be approved by the judge of the county court of Autauga county, faithfully to account for the proceeds of said sale.

William Hall, Guardian, to sell certain lands

To give bond

Approved, January 18, 1832.

AN ACT

To authorize William Reed, of Perry County, Guardian of John Stevens, to sell and convey certain Real Estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William Reed, of Perry county, Guardian of John Stevens, be, and he is hereby authorized to sell and convey the east half of the southwest quarter of section number twenty-one, township number nineteen, range number seven, in the district of lands offered at Cahawba, being the land of his ward, John Stevens, either at public or private sale.

William Reed, Guardian, authorized to sell and convey certain real estate

Sec. 2. *And be it further enacted*, That the guardian of John Stevens aforesaid, shall give bond and sufficient security to the judge of the orphans court of Perry county, in such sum as he may require, conditioned to faithfully account to the said John Stevens, when he may become of age, for the proceeds of such sale.

To give bond

Approved, January 20, 1832.

AN ACT

To authorize the Administrators o the Estate of James Ringstaff, deceased, late of Lowndes County, to make Title to a certain Tract of Land therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Mary Ann Meash, administratrix, and George Thagard, administrator, of the estate of James Rigstaff, deceased, of said county, be, and they are hereby authorized to convey and make title to Elijah Gilcrease, also of Lowndes county, the east half of the southwest quarter of section thirty-two, township thirteen, range fifteen, so soon as the said Elijah Gilcrease shall complete the payment for said land, reserving the right of creditors and minors in all cases.

Administrators of J. Ringstaff to make title to certain land

Reservation

Approved, January 5, 1832.

AN ACT

For the Relief of the Tax Collector of Walker County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Heard, tax-collector in the county of Walker for 1831, be, and he is hereby allowed until the first day of April next, to make final settlement and payment of the county tax of said county.

John Heard allowed till 1st of April to make settlement

Approved, January 13, 1832.

AN ACT to authorize Thomas H. Hutchins, Guardian of Washington Paul Hutchins, to sell certain Lands therein specified.

T. H. Hutchins, Guardian, authorized to sell certain lands

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thomas H. Hutchins, guardian of Washington Paul Hutchins, be, and he is hereby authorized to sell and dispose of, absolutely, to the highest bidder, at public auction, in the town of Greensboro', after having given sixty days' notice of the time and place of sale, by advertisement to be set up at two or more public places in the town of Greensboro', the following parcels of land, the property of the said Washington Paul Hutchins, viz: The southeast quarter of section ten; the west half of the northeast quarter of section ten; the west half of the northwest quarter of section fourteen; the east half of the northeast quarter of section eleven; and the east half of the southwest quarter of section eleven; all in township twenty of rage five, in the district of Cahawba: *Provided however*, that the said Thomas H. Hutchins shall, previous to said sale, execute his bond with good and sufficient security, to be approved of by the judge of the orphans court of Greene county, conditioned to apply the proceeds arising from the sale of said lands, in such manner as he shall be directed by the said judge of the orphans court of Greene county, for the benefit of the said Washington Paul Hutchins. Approved, January 18, 1832.

To give boud

AN ACT authorizing Wm. Taylor, Administrator, and Elizabeth Bolles, Administratrix, of Eber M. Bolles, deceased, to sell Real Estate.

Administrator of E. M. Bolles to sell and convey certain realestate

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William Taylor, administrator, and Elizabeth Bolles, administratrix, of Eber M. Bolles, deceased, late of Dallas county, be, and are hereby authorized to sell and convey all the real estate that was of the said Eber M. Bolles in his lifetime, that is now situate in the town of Selma, Dallas county, on giving bond and security to be approved by the judge of the county court of Dallas county, that the proceeds of said sale shall be faithfully applied to the benefit of the heirs of said Eber M. Bolles.

Approved, January 20, 1832.

AN ACT amendatory to an Act passed 20th January, 1830, authorizing Nathaniel Clarke to emancipate certan Slaves therein named.

Whereas, in the 25th section of an act of the General Assembly of the State of Alabama, passed the 20th January, 1830, authorizing Nathaniel Clarke to emancipate certain slaves therein named, a mistake occurred, in the name of one of the said slaves, wherein he is called Harry, when his true name is Harvey; for remedy whereof—

N. Clarke to emancipate Harvy

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the said 25th section of the aboverecited act be so amended as to read Harvey instead of Harry.

Bond

Sec. 2. *And be it further enacted*, That the bond which is required to be given by the aboverecited act, be given to the judge

of the county court of Perry county, and that the said judge be, and he is hereby authorized to take the same.

Approved, January 10, 1832.

AN ACT to change the Names of certain Persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the names of William P. Pender and Randolph B. Pender, of the county of Baldwin, be changed, and that the said persons shall hereafter be known and called by the names of William P. Bryant and Randolph Bryant; and the name of Andrew Kibble, to that of Andrew Tharp. Approved, January 19, 1832.

Wm. P. & R. B. Pender's name changed to Wm. P. & R. B. Bryant

A. Kibble, to A. Tharp.

AN ACT to change the Name of a certain Person therein named.

1831

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of James Clements be hereafter called and known by the name of James Avant. Approved, December 9, 1831.

J. Clement's name changed to J. Avant

AN ACT to change the Names of, and to render legitimate, certain Persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the names of Andrew Harris and Ann Harris, the natural children of Amos Vincent, be changed; and hereafter the said Andrew and Ann Harris be known by the names of Andrew Vincent and Ann Vincent.

Andrew and Ann Harris' name changed to Vincent

Sec. 2. *And be it further enacted,* That the said Andrew and Ann be, and they are hereby rendered legitimate heirs of the said Amos Vincent. Approved, December 15, 1831.

Legitimated

AN ACT

To legitimate and change the Names of certain Persons therein named.

1832

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the names of Jackson Hicklin, Martin Loyd, Zebulon Loyd, Elizabeth Loyd, and Nancy Loyd, the natural children of Richard Hudson, be, and they are hereby changed to the names of Jackson Hudson, Martin Hudson, Zebulon Hudson, Elizabeth Hudson, and Nancy Hudson.

J. Hicklin's, M. Z. E. & N. Loyd's names changed to Hudson

Sec. 2. *And be it further enacted,* That the abovenamed children are hereby legitimated, and made the natural heirs of the abovenamed Richard Hudson, to possess and inherit the estate of the said Richard Hudson, the same as if they had been born in lawful wedlock, any law, usage or custom to the contrary notwithstanding. Approved, January 21, 1832.

Legitimated

AN ACT to change the name of William Williams.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of William Williams be, and the same is hereby altered to that of William Nelson Williams.

Approved, January 21, 1832.

AN ACT

For the Relief of the Limestone Guards.

Limest. Guards exempt from Regimental or Battalion duty

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Limestone Guards, of Limestone county, be, and they are hereby declared exempt from performing duty at regimental or battalion musters: *Provided*, they shall muster at least six times every year.

Proviso

May adopt by-laws, &c.

Sec. 2. *And be it further enacted*, That the Limestone Guards are hereby anthorized to adopt any by-laws or constitution for their own government, not repugnant to the laws of this State or the United States; which shall be obligatory on the members of said company until repealed.

Fines

Sec. 3. *And be it further enacted*, That all moneys collected by any officer for fines assessed against any member of said company, shall be paid over to the person authorized by said company to received the same; and all moneys so arising shall belong exclusively to said company, and entirely under their control.

Number of members

Sec. 4. *And be it further enacted*, That said company may consist of one hundred members.

2d Lieutenant authorized

Sec. 5. *And be it further enacted*, That the said volunteer company may elect a second lieutenant in addition to the officers already authorized.

Militia of Mooresville may be reduced.

Sec. 6. *And be it further enacted*, That the regular militia company in the Mooresville beat, may be reduced below the number of forty: *Provided*, they become members of the Limestone Guards: *Provided*, it is not reduced under thirty privates.

Proviso

Approved, January 5, 1832.

AN ACT

For the Relief of certain Purchasers of the Sixteenth Section, in Township two, Range one, east of the basis Meridian in the Land District of Huntsville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the purchasers of the sixteenth section in township two, range one, east, in Madison county, be, and they are hereby allowed until the first day of March, 1833, to make their next and second payment, instead of the eighth day of November, 1832; for the third payment, until the first day of March, 1834; for the fourth payment, until the first day March, 1835; and that the president and directors of the Bank of the State of Alabama be, and they are hereby authorized and required to give the indulgence to said purchasers hereby granted, on the express condition, that the principals and each of the securities shall, within six months from the passage of this act, file in the Bank of the State of Alabama, their consent to the extension of the time of payment of said instalments abovementioned, and that they, or either of them, will never set up any claim to exemption from responsibility by virtue of this act: *Provided*, that said bonds shall bear interest until paid, at the rate stipulated in the contracts, and according to the tenor and effect thereof.

Time of payment extended

President and Directors of the Bank required to give indulgence on certain conditions

Proviso

Approved, January 4, 1832.

AN ACT

For granting and releasing to Mary Sebier certain Real Estate escheated to the State of Alabama.

Whereas, the said Mary Sebier did, in the year of our Lord one thousand eight hundred and twenty-two, marry one Julius Sebier, an alien—And whereas, the said Julius Sebier, with certain slaves, and other personal property, which he acquired by his marriage with the said Mary Sebier, did purchase and improve certain lots in the town of Florence, in this State, that is to say, lot number three hundred and sixty-nine, in the plan of said town, situated at the junction of the military road with Court-street, and lot number three hundred and seventy-one, in the plan of said town—And whereas, subsequent to the purchase and improvement of said lots, the said Julius Sebier departed this life, leaving no heir, by means whereof the said lots have escheated to this State—

State waiving all title to certain lots

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the right, title and interest of this State, in and to the said lots, with the appurtenances and improvements thereunto belonging in and to the same, is hereby granted, released, vested and conveyed to the said Mary Sebier, her heirs and assigns forever, saving and reserving, nevertheless, the rights of creditors and all others having any title or claim to the said lots, either legal or equitable, excepting only this State.

Approved, January 13, 1832.

AN ACT

For the Relief of William T. Rounsivalle.

W. S. Rounsivalle authorized to keep a certain ferry

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That William T. Rounsivalle, of the county of Mobile, be, and he is hereby authorized to keep a ferry on his land in said county, being the southwest quarter of section number five, in township number one, range number four, west, on Dog river, at the place heretofore known as Mason's ferry, any law or order of the county court of Mobile to the contrary notwithstanding.

Toll

Sec. 2. *And be it further enacted,* That said Rounsivalle shall receive such toll as is now, and may from time to time be established by the county court of Mobile county; and shall enter into such bond as is customary for said court to exact from persons keeping public ferries.

Bond to be given

Approved, January 18, 1832.

AN ACT

For the Relief of Priscilla Reynolds.

1831

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized to draw his warrant on the State Treasurer, in favor of Priscilla Reynolds, relict and administratrix of James Reynolds, deceased, for the sum of one hundred and eighteen dollars and seventy-five cents, the same being the amount of an undrawn appropriation made by an act of 1828, to William May and said James Reynolds.

Approved, December 29, 1831.

AN ACT

For the Relief of Winiford Jemison, Wife of John Jemison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Winiford Jemison, wife of John Jemison, of Wilcox county, shall possess all the rights and privileges of a *feme sole;* shall contract in her own name; sue and be sued, as though she had never intermarried with the said John Jemison; and that any property the said Winiford owns in her own right, or any that she may acquire by gift, inheritance or other lawful means, shall not be liable to be sold for the debts of the said John Jemison, her husband, or be taken by him in any manner whatever; and the said Winiford Jemison shall have power and authority to dispose of any property by her acquired as aforesaid, in her own name, as though she was unmarried: *Provided,* that nothing in this act shall authorize the said Winiford to intermarry with any other person: *And provided further,* that nothing in this act shall be so construed as to prevent any property now in possession of, and *bona fide* the property of the said Winiford, from being liable to the payment of any debts heretofore contracted by the said John Jemison. Approved, January 16, 1832.

Winiford Jemison allowed the rights of a feme sole

Proviso

Further proviso

AN ACT

For the Relief of Edward Hanrick.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Edward Hanrick, a natural born subject of the king of Great Britain and Ireland, and now a resident of the State of Alabama, be, and he is hereby enabled to purchase and hold real estate within the State of Alabama, in *fee simple* or otherwise, and the same to sell or devise in as full and ample a manner, as if he was a citizen of the United States.

Edward Hanrick authorized to hold real estate

Sec. 2. *And be it further enacted,* That any real estate which the said Edward Hanrick, so far as the State of Alabama has any right, title or interest therein, either by way of escheat or otherwise, has heretofore purchased in *fee simple* or otherwise, shall enure to and be held by the said Edward Hanrick.

Approved, January 21, 1832.

AN ACT

For the Relief of the Inhabitants of the Fourth Township of the eleventh Range, west.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the trustees of the sixteenth section in township four of range eleven, west, in the district of lands offered for sale at Huntsville, be, and they are hereby authorized and required to give up to Dabney Ware, the notes which he executed to them for the purchase of the northeast quarter of said section, upon his delivering to them for the use of the inhabitants of said township, the possession of said quarter section, with the improvements thereon. Approved, January 19, 1832.

Trustees 16th Section, Township 4, Range 11, west, in Huntsville district, to return to D. Ware certain notes upon certain conditions

AN ACT

For the Relief of George H. Flournoy, Judge of the County Court of Pickens County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all causes which were on the trial docket of the county court of Pickens county, at the last term thereof, wherein George H. Flournoy, who has since become the judge of that court, may have been engaged as an attorney at law, shall, together with the records and proceedings in such causes, within ten days after the passage of this act, be transferred by the clerk of the said county court, to the office of the clerk of the circuit court of said county, to be tried and determined by the said circuit court at its next term, unless the same, or any of said causes, shall be continued by said circuit court, on such reasons as said circuit court shall deem good and sufficient.

Certain causes transferred from County to Circuit Court

Sec. 2. *And be it further enacted,* That in any case wherein the said judge of the county court of Pickens county, may have been, before he became judge of said court, authorized by law, as the attorney of any party in said county court, to institute a motion in said county court against the sheriff of any county of this State, and the securities of such sheriff, such motion may be made before the circuit court of said county; and it shall be the duty of the clerk of the said county court, to certify a transcript of the record and proceedings in any such cause, wherein such motion shall be intended to be made, on application to him for the same.

Motions, &c. transferred to Circuit Court.

Sec. 3. *And be it further enacted,* That the commissioners of roads and revenue of said county, shall be, and they are hereby constituted a court for the purpose of receiving, auditing and settling the accounts of the administration of the said George H. Flournoy and Ann P. Barksdale, on the estate of John Barksdale, late of said county, deceased; and that said commissioners, as such court aforesaid, shall have and possess all the powers over the administration of said estate, as is now had and possessed by the judges of the county courts of this State over other like administrators; and for that purpose shall meet at the court-house of said county, at such time as they may deem proper, to hear, audit and settle said accounts, which said accounts accordingly, as the same shall be allowed or rejected by said last-mentioned court, shall be filed by the clerk of said county court, in his office, as other accounts of administrators in similar cases: *Provided,* that no notice which is required by any existing law of this State shall be dispensed with. Approved, January 13, 1832.

County Court to settle administration of G. H. Flournoy and A. P. Barksdale on certain estate.

AN ACT

For the Relief of Sterling E. Harrison.

1831

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Sterling E. Harrison be, and he is hereby granted until the first day of March, one thousand eight hundred and thirty-three,

S. E. Harrison allowed further time.

to make payment of one half of a judgement obtained against one Joel Gibbs and the said Sterling E. Harrison, by the State of Alabama; and that the said Sterling E. Harrison have granted to him until the first day of March, one thousand eight hundred and thirty-four to make payment of the remaining half.

Sheriff of Montgomery to stay execution

Sec. 2. *And be it further enacted*, That the sheriff of Montgomery county be, and he is hereby required to delay making the money on the execution against the said Sterling E. Harrison, except at the times prescribed by this act: *Provided*, the said Sterling E. Harrison give good and sufficient security, to be approved of by the lawyers having the control of the case, for the payment of said debt, interest and costs; which bond shall be filed with the papers belonging to said suit, in the clerk's office, and have the force of a judgement; and upon failure to pay the amount of said bond when due, execution shall issue thereon.

Proviso

Approved. December 9, 1831.

1832

AN ACT

For the Relief of Thompson Chiles, and others.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thompson Chiles be hereby authorized to erect and keep up a gate across the public road, leading from Criddle's ferry eastward, to Finch's ferry road, in Greene county; and that James Foster be allowed to erect a gate on the road leading from Tuscaloosa to Springfield, near the Warrior river; and that John S. Beall be allowed to erect a gate on the road leading from Carthage to James Foster's mill, near said river; and also, that John Saunders be allowed to erect a gate on the road leading from Tuscaloosa to the mouth of Sipsy, near the said Warrior river, all in the county of Tuscaloosa.

Thomp. Chiles, J. Foster, and J. S. Beall authorized to erect certain gates

Reservation.

Sec. 2. *And be it further enacted*, That the Legislature shall, at any time hereafter, have full power to repeal this act whenever it may be deemed necessary.

Approved, January 20, 1832.

AN ACT

For the Relief of William S. Hays.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the trustees of the university be, and they are hereby authorized and required to have fractional section number twenty-five, west of the Alabama river, in township seven of range five, heretofore purchased by William S. Hays, classed and valued again, by the present commissioners appointed by the Governor for valuing lands belonging to the university in that part of the State, and in such classification and valuation, said commissioners shall exclude from their consideration the value of the ferry and all improvements made on said land by the said William S. Hays since he became the purchaser thereof: *Provided*, said commissioners shall not reduce the price of said land below eight dollars.

Commissioners of University lands to exclude the ferry of W. Hays, in valuing certain lands

Proviso

Sec. 2. *And be it further enacted*, That whatever amount

may be deducted from the price of said land, on account of the change of classification and valuation, to be made by such commissioners as aforesaid, shall be taken from the principal of the debt owing by the said William S. Hays to said trustees, and credited as of the date of the contract.

Amount of value to be taken from principal of the debt

Sec. 3. *And be it further enacted*, That said trustees shall suspend all proceedings against said William S. Hays, for the recovery of the purchase money of said fractional section number twenty-five, until the aforesaid classification and valuation shall be made. Approved, January 19, 1832.

Proceedings against Wm. S. Hays to be suspended till valuation

AN ACT

For the relief of James Moore and William White, of Bibb County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Samuel W. Davidson, William H. Wilson, and David S. Lipscomb, commissioners of the public buildings and seat of justice for Bibb county, be, and they, or a majority of them, are hereby authorized and required to settle the claims of James Moore and William White, for services rendered and losses sustained whilst they were engaged in selecting an original site for the seat of justice of Bibb county; and that they pay such amount as may be found to be due to the said James Moore and William White, out of the proceeds of the sales of the lots in the town of Centreville, which is now the seat of justice for said county of Bibb. Approved, January 20, 1832.

Commissioners of Seat of Justice of Bibb authorized to settle claims of J. Moore and W. White.

AN ACT

For the Relief of Catharine C. Craig, lately Catharine C. Bryan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the judge of the orphans court of Greene county be, and he is hereby authorized to appoint five commissioners, a majority of whom shall be competent to act, who shall within a reasonable time after their appointment, proceed to allot and set off to Catharine C. Craig, lately Catharine C. Bryan, her dower, in the lands of her former husband, William T. Bryan, deceased, which lands are situated in the counties of Greene and Perry.

Orphans Court of Greene to appoint commissioners to allot to C. C. Craig her dower in certain lands

Sec. 2. *And be it further enacted*, That it shall be the duty of the said commissioners to allot and set off to the said Catharine C. Craig, her dower in the said lands, in one entire parcel or body, which allotment shall consist of the lands belonging to the estate of the said William T. Bryan, deceased, situated on the Tombeckbee river, in the connty of Greene. Approved, January 19, 1832.

Dower in lands to be in one parcel

AN ACT

For the Relief of Sarah A. Baker.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Sarah A. Baker, wife of Peyton Baker, of Tuscaloosa county, shall possess all the rights and privileges of a *feme sole*, shall contract in her own name, sue and be sued, as though she had never intermarried with the said Peyton Baker, and that any

Sarah A. Baker allowed the rights of a feme sole.

property that the said Sarah A. Baker owns in her own right, or that she may acquire by gift or inheritance, or other lawful means, shall not be liable to be sold for the debts of the said Peyton Baker, her husband, or be taken by him in any manner whatever; and the said Sarah A. Baker shall have power and authority to dispose of any property by her acquired as aforesaid, in her own name, as though she was unmarried: *Provided*, that nothing in this act shall authorize the said Sarah A. Baker, to intermarry with any other person: *And be it further provided*, that this act shall not be so construed as to interfere with the rights of any creditor or creditors to have satisfaction of their demands, out of any property in possession of the said Sarah A. Baker at this time, liable in law to pay and satisfy said demands.

Proviso

Approved, January 18, 1832.

AN ACT

For the Relief of Francis Boykin, Thomas Reeves, and Caleb Johnson, Purchasers of the University Lands in the County of Conecuh.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if Francis Boykin, Thomas Reeves, and Caleb Williams, will file a declaration with the agent of the board of trustees, relinquishing in favor of said board of trustees, the one half of the purchase money for the several tracts of university lands they have purchased in the county of Conecuh, at seventeen dollars per acre, then and in that case the board of trustees shall discontinue all suits commenced against the said Boykin, Reeves, and Johnson, for the recovery of the remaining half of the purchase money due on the abovenamed tracts of land; and the bonds now in suit as aforesaid, shall be delivered up to the said Boykin, Reeves, and Johnson: and the board of trustees shall order the said tracts of land to be revalued, and the said Boykin, Reeves, and Johnson shall be entitled to enter the said tracts at such valuation, at any time within three months after such valuation shall be made and approved of by the board of trustees.

Boykin, Reeves, and Johnson authorized to relinquish certain University lands.

Trustees of University to have said land revalued.

Approved, January 21, 1832.

AN ACT

For the Relief of James A. Thompson, late Tax Collector of Dallas County.

Whereas, it appears by the Comptroller's certificate, that James A. Thompson, late assessor and collector of taxes of Dallas county for the year 1830, has paid into the treasury of the State, one hundred and fifty dollars nineteen and a half cents more than was really due from him as such assessor and collector.

Preamble.

Sec. 1. *Be it therefore enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby authorized to draw his warrant on the Treasurer of the State, for one hundred and fifty dollars and nineteen and a half cents, with interest from the payment of the same into the treasury, in favor of James A. Thompson, to be paid out of any moneys in the treasury not otherwise appropriated. Approved, January 18, 1832.

Appropriation to J. A. Thompson

AN ACT
For the Relief of John Lawler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller of Public Accounts be, and he is hereby authorized and required to issue his warrant in favor of John Lawler, of Shelby county, for the sum of twenty six dollars, as compensation for services rendered the State, in procuring and distributing the public arms to the volunteer militia of Shelby county, at the time of a threatened invasion of the Creek nation of Indians.

Comptroller to issue warrant in favor of J. Lawler

Approved, January 20, 1832.

AN ACT
For the Relief of Wm. J. Price, of Jackson County.

Whereas, it appears from the affidavit of William J. Price, that the said Price was the holder of a warrant issued by Samuel Pickens, Comptroller, in favor of William D. Gaines, on the Treasurer of the State, for the sum of twenty dollars, dated in the year one thousand eight hundred and twenty-two or twenty-three, and that the said William Price has lost or mislaid the same; therefore—

Preamble

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Comptroller issue his warrant on the State Treasurer in favor of William J. Price for the sum of twenty dollars, to be paid out of any moneys in the treasury not otherwise appropriated.

Comptroller to issue warrant in favor of W. J. Price

Approved, January 13, 1832.

AN ACT
To alter the Names of certain Persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the name of James Franklin Cooper be, and the same is hereby changed to James Franklin Pride, and adopted as the lawful heir of William Pride, and be entitled to all the privileges that legitimate children are entitled to; and to change the names of George Westley Lindsly to that of George Westley Cockburn; and that of Felix Lindsly, to that of Felix Cockburn; and that of Louisa Lindsly, to that of Louisa Cockburn; the illegitimate children of George Cockburn, now of Franklin county, be, and they are hereby legitimated, with the right to heir and receive the estate of the said George Cockburn, in the same manner as if born in lawful wedlock.

J. F. Cooper's name changed.

Geo. W., Felix, & Louisa Lindsley's name changed to Cockburn.

Approved, January 4, 1832.

AN ACT
Making Appropriations for the Payment of the Members and Officers of the present General Assembly.

1831

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of twenty-eight thousand dollars be, and the same is hereby appropriated for the payment of the members of the present General Assembly, and the officers of the two houses, out of any money in the State treasury not otherwise appropriated.

Appropriation for members of the General Assembly

Approved, December 21, 1831.

AN ACT

To amend an Act entitled an Act to raise a Revenue for the Support of Government until otherwise altered by law, passed the 13th of Jan. 1827

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That there shall be paid for each license granted to any hawker or pedler of clocks in each county, the sum of fifty dollars; and in case any hawker or pedler shall sell, barter or exchange any clock or clocks, without first taking out license agreeably to the provisions of the laws in relation to other hawkers and pedlers, he shall forfeit and pay the sum of one hundred dollars, to be recovered in an action of debt, before any court having jurisdiction thereof, one half to the use of the State, and the other half to the use of the informer.

Tax on hawkers and pedlers

Penalty

Sec. 2. *And be it further enacted,* That in all *qui tam* actions hereafter brought, the defendant or defendants may be held to bail in the same manner as bail is now required by law in actions of debt and assumpsit.

In *qui tam* actions defendant may be held to bail

Sec. 3. *And be it further enacted,* That this act shall be in force from and after its passage. Approved, January 20, 1832.

AN ACT

Making Appropriations for the Year eighteen hundred and thirty-two.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the following sums of money be, and they are hereby appropriated to defray the expenses of the civil list, and other necessary charges on the government, namely: for the payment of the annual salary of the Governor of this State, the sum of two thousand dollars; for the payment of the annual salaries of the Secretary of State, Comptroller and Treasurer, the sum of one thousand dollars each, making three thousand dollars; for the payment of the annual salaries of the Judges of the Supreme and Circuit courts, each, seventeen hundred and fifty dollars, making seventeen thousand five hundred dollars; for the payment of the annual salary of the Attorney General, four hundred and twenty-five dollars; for the payment of the annual salary of the Solicitor of the first judicial circuit, three hundred and fifty dollars; for the payment of the annual salaries of the Solicitors of the second, fourth, fifth, sixth and seventh judicial circuits, two hundred and fifty dollars each, making the sum of twelve hundred and fifty dollars; for the payment of the annual salary of the Quarter Master General, the sum of two hundred dollars; for the payment of the Secretary of the Senate and the Principal Clerk of the House of Representatives, each, seven dollars per day; for the payment of the Assistant Secretary of the Senate, and the Assistant and Engrossing Clerks of the House of Representatives, each, five dollars per day; for the payment of the Door-keepers of the Senate and House of Representatives, each, the sum of four dollars per day; for the payment of the Messenger of the House of Representatives, the sum of three dollars per day, to be paid out of any money in the treasury not otherwise appropriated.

For the annual salary of the Governor

Secretary of State Comptroller and Treasurer

Judges of the Supreme and Circuit Courts

Attorney General

Solicitors

Quarter-Master General

Secretary of the Senate Clerk of House

Assistant Clerks

Door-Keepers

Messenger

Sec. 2. *And be it further enacted*, That the sum of one hundred dollars be, and is hereby appropriated to the payment of the Secretary of the Senate, for completing the journal and arranging the papers of the Senate; and the sum of one hundred dollars be, and the same is hereby appropriated to the payment of the Clerk of the House of Representatives for completing the journal and arranging the papers of the House of Representatives. Secretary of Senate and Clerk of House of Representatives

Sec. 3. *And be it further enacted*, That the sum of two hundred and seventy-five dollars be, and the same is hereby appropriated for the payment of the Secretary of State, for copying and making an index to the laws, for copying the journal of each house of the General Assembly for the present session, preparing the whole for the press, and superintending the printing thereof. Secretary of State

Sec. 4. *And be it further enacted*, That the sum of two hundred and fifty dollars be, and the same is hereby appropriated to the Comptroller of Public Accounts, as payment of clerk hire in his office for the past year. Comptroller

Sec. 5. *And be it further enacted*, That the sum of two thousand five hundred dollars be, and the same is hereby appropriated to the payment of the annual salary of the State Printers for the present year. State Printers

Approved, January 21, 1832.

AN ACT making Appropriations for certain Claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums be, and they are hereby appropriated for the payment of certain persons herein named, for furnishing provisions for persons confined in the jails of their respective counties, and for moving persons by order of court, to wit: Appropriation for

William Howson, jailor of Madison county, forty-four dollars; Wm. Howson
to M. F. Rany, sheriff of Greene county, two hundred and sixty-three dollars aud seventy-five cents; M. F. Rany
to Aaron Redus, jailor of Limestone county, two hundred and nineteen dollars; Aaron Redus
to D. C. Frazier, sheriff of St Clair county, sixty dollars and eighty cents; D. C. Frazier
to Anderson West, jailor of Perry county, one hundred dollars; Anderson West
to William Lee, sheriff of Conecuh county, nine dollars; William Lee
to Jesse Edwards, sheriff of St Clair, thirty-one dollars; Jesse Edwards
to Henry Norwood, sheriff of Jackson county, three hundred and fifty dollars; Henry Norwood
to Joseph Hall, sheriff of Baldwin county, fifty-two dollars and sixty cents; Joseph Hall
to Jesse Doyle, sheriff of Clarke county, twenty-nine dollars and forty cents; Jesse Doyle
to Duncan M'Clain, sheriff of Autauga county, forty-six dollars and sixty-two cents; Duncan M'Clain
to John Bowler, sheriff of Clarke county, nine dollars and twenty-five cents; John Bowler
to Edward Ellis, sheriff of Montgomery county, five hundred and thirty dollars and fifty cents; Edward Ellis
to Samuel Nellams, sheriff of Perry county, nine dollars and twenty cents; Samuel Nellams
to Jacob D. Shelly, sheriff of Shelby county, twenty-four dollars; Jacob D. Shelly
to Joseph M'Clendon, sheriff of Henry county, two dollars; Jos. M'Clendon
to Joseph Bates, sheriff of Mobile county, two hundred and thirty-five dollars twenty cents; Joseph Bates
to T. L. Toulman, sheriff of Mobile county, two hundred and sixty dollars and forty cents; T. L. Toulman
to A. G. Merriwe- A G Merriwether

ther, sheriff of Lowndes county, fifteen dollars; to George L. Palmer, jailor of Perry county, two hundred and nineteen dollars and twenty-five cents; to Frederick Blunt, sheriff of Washington county, nine dollars and fifty cents; to John R. H. Acklen, sheriff of Madison county, fifteen dollars and sixty cents; to Daniel Lucas, sheriff of Jackson county, forty-seven dollars and seventy-five cents; to William Y. Glover, sheriff of Tuscaloosa county, twenty-four dollars and sixty cents; to T. L. Toulman, sheriff of Mobile county, twenty-two dollars and twenty-five cents; to John Thompson, sheriff of Fayette county, nine dollars and twelve cents; to Jerard Fitzgerald, sheriff of Marion county, thirty-two dollars and eighty cents; to Smith L. Young, jailer of Shelby county, seventy-one dollars and forty cents; to James W. Davis, sheriff of Bibb county, nine dollars; to Martin Harkins, sheriff of Lauderdale county, fifteen dollars; to George W. Sneede, jailor of Lauderdale county, four hundred and sixteen dollars; to Michael Shaffer, jailor of Blount county, fifty-eight dollars and eighty cents; to Lewis Edwards, jailer of Lauderdale county, one hundred and forty-eight dollars.

Geo. L. Palmer
Frederick Blunt
J. R. H. Acklen
Daniel Lucas
Wm. Y. Glover
T. L. Toulman
John Thompson
Jerard Fitzgerald
Smith L. Young
James W. Davis
Martin Harkins
George W Sneede
Michael Shaffer
Lewis Edwards

Micajah M'Gee

Sec. 2. *And be it further enacted*, That the sum of ten dollars be appropriated for the payment of Micajah M'Gee, tax collector of Marengo county.

Thos Goodman

Sec. 3. *And be it further enacted*, That the sum of forty-four dollars be appropriated for the payment of Thomas Goodman, of Tuscaloosa county.

Henry Minor

Sec. 4. *And be it further enacted*, That the sum of forty-nine dollars and fifty cents be appropriated for the payment of Henry Minor, clerk of the supreme court.

John Taylor

Sec. 5. *And be it further enacted*, That the sum of fifteen dollars be appropriated for the payment of John Taylor, sheriff of Butler county; to J. B. Naor, sheriff of Perry county, twelve dollars.

J. B. Naor

James Rather

Sec. 6. *And be it further enacted*, That the sum of seventy-one dollars and seventy-five cents be appropriated for the payment of James Rather, for taking care of the State Capitol; to John H. and A. H. Sommerville, five dollars and fifty cents; to Randolph Ivey, coroner of Jackson county, twelve dollars.

John H. & A. H. Sommerville
Randolph Ivey

Green B. Spencer

Sec. 7. *And be it further enacted*, That the sum of thirty-four dollars and eighty cents be appropriated for the payment of Greene B. Spencer; to Nancy Marr, one hundred and twenty-two dollars and twenty-five cents; to William R. Colgin, thirty-three dollars and forty-seven and a half cents; to Augustin Lynch, thirty-four dollars and seventy-nine cents; to E. S. Farish, five dollars; to Henry A. Snow, twelve dollars and sixty cents.

Naney Marr
Wm. R. Colgin
Augustin Lynch
E. S. Farish
Henry A. Snow

John Tatom

Sec. 8. *And be it further enacted*, That John Tatom be allowed fifty dollars for work done by order of the House of Representatives; to John Roberts, five dollars and sixteen cents; to Sims and Scott, three hundred and fifty-five dollars and fifty-six and a fourth cents; to Randolph and Craines, sixty dollars; to Charles Lewen, for house rent for the State Arsenal, 1831, one

John Roberts
Sims & Scott
Rando. & Crains
Charles Lewen

hundred and twenty-five dollars; to Vining Howard, thirty-six dollars; to John Tatom, for negro hire, twenty-four dollars; to Charles Hall, two hundred and fifty dollars, to be paid out of the fund set apart for the payment of slaves executed for capital crimes; and fifty dollars to T. J. Abbott.

Vining Howard
John Tatom
Charles Hall
T. J. Abbott

Sec. 9. *And be it further enacted*, That the sum of twenty-six dollars and seventy-five cents be, and the same is hereby allowed to William J. Gilbert, for the apprehension of James Martin, under a charge of horse-stealing, and services rendered in the prosecution of the same to conviction; to be paid out of any money in the treasury not otherwise appropriated.

Wm. J. Gilbert
Wm. J. Gilbert

Sec. 10. *And be it further enacted*, That the sum of sixty dollars be, and the same is hereby allowed to Bushrod W. Bell, for making returns of the congressional election for the years 1829 and 1831.

Bushrod W. Bell

Sec. 11. *And be it further enacted*, That the sum of thirty dollars be, and the same is hereby allowed to Bushrod W. Bell, for making return of the electoral vote of the county of Montgomery, for President of the United States for the year 1828, to be paid out of any money in the treasury not otherwise appropriated.

Bushrod W. Bell

Sec. 12. *And be it further enacted*, That the sum of twenty-three dollars and eighty-three cents be, and the same is hereby appropriated, to pay James D. Hodges, late tax-collector of Conecuh county, this being the amount of insolvencies in Conecuh county for the year 1830, which has not heretofore been allowed said tax-collector.

James D. Hodges

Sec. 13. *And be it further enacted*, That the amount of nine dollars and twenty-five cents be allowed to Reuben Davis.

Reuben Davis

Sec. 14. *And be it further enacted*, That the sum of one hundred dollars be, and the same is hereby appropriated to the payment of Daniel Clayton and Wm. J. Price, of Jackson county, for apprehending and prosecuting Samuel Evans, charged with horse-stealing.

Daniel Clayton
William J. Price

Sec. 15. *And be it further enacted*, That the Comptroller is hereby authorized and required to issue his warrant for the amount of the account of Jesse C. Farrar, of Monroe county, a witness summoned to appear before the committee appointed to investigate charges exhibited against Judge Lipscomb in 1827, the said Jesse C. Farrar first making out his account of mileage and the number of days he attended as a witness, and making affidavit to the same.

Jesse C. Farrar

Sec. 16. *And be it further enacted*, That the following sums be, and they are hereby appropriated to the payment of certain persons for claims herein specified, to wit: to William Irvin, of Henry county, the sum of fifty dollars, for prosecuting to conviction William Robeson, for horse stealing; to Caswell C. Thompson, sheriff of Fayette county, the sum of four dollars, for removing John Philips, a State prisoner; to Elias Jenkins, the sum of ninety-six dollars thirty-eight cents, for attendance on the supreme court, and for stationary furnished the same at the spring term, 1831; also, the sum of six dollars, for receiving the returns of the middle congressional election in 1831; to Jonathan L. Owens, sheriff of Morgan county, the sum of twenty-four dollars and

William Irvin
C. C. Thompson
Elias Jenkins
Jona. L. Owens

fifty cents, for making returns of the congressional election, 1831;

Wade H. Cox to Wade H. Cox, jailor of Autauga county, the sum of seventy dollars, for the maintenance of certain negroes in the jail of said county, charged with the murder of Solomon Stephens; to Da-

Daniel Payne niel Payne, jailor of Walker county, the sum of sixteen dollars and forty cents, for the maintenance of James Ball, a State prisoner,

John Grigg in the jail of said county; to John Grigg, sheriff of Lawrence county, for keeping William Clifton, Patrick H. Johnson, Edward Smith, and Samuel Jones, State prisoners, the sum of one hundred and seventy-two dollars and sixty-five cents.

John J. Webster Sec. 17. *And be it further enacted*, That the sum of sixty dollars and eighty cents be appropriated to the payment of John J. Web-

H P. Cockran ster and Hiram P. Cockran, assignees of William M'Daniel, for keeping a negro man Ben in the jail of Tuscaloosa county.

Henry White Sec. 18. *And be it further enacted*, That the following sums be appropriated to the persons named, to wit: to Henry White, sheriff of Pickens county, the sum of nine dollars and twenty-five cents, for making returns of the last congressional election; to

Enoch Bryant Enoch Bryant, sheriff of Marion county, for making returns of the congressional election, the sum of eighteen dollars and twen-

Dun. C. Douglass ty-five cents; to Duncan C. Douglass, sheriff of Dale county, for making returns of the congressional election in 1831, the sum of

James H. Gorman twenty-four dollars and fifty cents; to James H. Gorman, sheriff of Autauga county, the sum of thirty dollars and twenty-five cents, for making returns of the congressional election; to Wil-

Wm. D. Pickett liam D. Pickett, solicitor of the sixth judicial circuit, the sum of ten dollars, for prosecuting to conviction of manslaughter, a negro slave named Daniel, in the circuit court of Montgomery county;

Eli Terry Jr. to Eli Terry, jr. solicitor of the second judicial circuit, the sum of ten dollars, for convicting a negro slave named Ned, of murder, in the circuit court of Autauga county.

Sec. 19. *And be it further enacted*, That the following sums shall be appropriated to certain persons for fuel and stationary, and for servant hire, during the present session of the General

Jos Cleaveland Assembly, to wit: to Joseph Cleaveland, for coal, eighty dollars

Andrews & Brothers and sixty-two cents; to Andrews and Brothers, for furniture and stationary furnished the Senate chamber, one hundred and twelve

Augustin Lynch dollars and thirty-five cents; to Augustin Lynch, for work done for the use of the Senate, fifteen dollars and eighty-eight cents; to

Sam. B. Ewing Samuel B. Ewing, for grates, blowers, and negro hire, sixty dollars

Sims & Scott and eighty-eight cents; to Sims and Scott, for stationary, thirty-

B. F. Randolph six dollars and forty-three cents; to B. F. Randolph, for setting

J. H. Dearing & Co. six grates, the sum of twenty dollars; to James H. Dearing & Co.,

H. T. Anthony for stationary, six dollars and twenty-five cents; to H. T. Anthony, for procuring the making the carpet for the president's chair, the sum of three dollars.

Elias Jenkins Sec. 20. *And be it further enacted*, That the sum of twenty-two dollars and eighty-seven and a half cents be, and the same is hereby appropriated for the payment of Elias Jenkins, late sheriff of Tuscaloosa county, for the sustenance of certain State prisoners, in custo-

dy, and for conveying, by order of Judge Collier, James Caldwell, charged with horse-stealing, from Tuscaloosa to Shelby county.

Sec. 21. *And be it further enacted*, That the sum of fifteen dollars be, and the same is hereby appropriated for the payment of J. H. Burdin, sheriff of Walker county, for making returns of the congressional election in Walker county for the year 1831. J. H. Burdin

Approved, January 21, 1832.

AN ACT for the payment of certain claims therein specified.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of thirty-nine dollars be, and the same is hereby appropriated for the payment of Greene B. Spencer, messenger of the select committee appointed to investigate the official conduct of the judge of the county court of Covington county. Appropriations for G. B. Spencer

Sec. 2. *And be it further enacted*, That the following sums be, and they are hereby appropriated for the payment of the witnesses that attended the special committee appointed to investigate the official conduct of John W. Devereux, judge of the county court for Covington county: to John M. Bargen, thirty-four dollars and eighty cents; to John Martin, thirty-four dollars and eighty cents; to Edward Mancell, thirty-four dollars and eighty cents; to James Jordan, thirty-four dollars and eighty cents: to James Howard, thirty-four dollars and eighty cents; to Samuel T. Jones, thirty-four dollars and eighty cents; to Benjamin L. Jordan, thirty-four dollars and eighty cents; to Julian S. Devereux, thirty-four dollars and eighty cents; to Thomas Finklea, thirty-four dollars and eighty cents; to John G. Barrow, thirty-four dollars and eighty cents; to William Hally, thirty-four dollars and eighty cents; to Thomas McDaniel, thirty-four dollars and eighty cents, to be paid out of the treasury from any money not otherwise appropriated. John M. Bargen; John Martin; Edward Mancell; James Jordan; James Howard; Samuel T. Jones; Benj. L. Jordan; J. S. Devereux; Thomas Finklea; John G. Barrow; William Hally; Tho's M'Daniel

Approved, Jan. 7, 1832.

JOINT RESOLUTIONS recommending Andrew Jackson for Re-election to the Presidency of the United States.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the unparalleled success which has attended the administration of the General Government by our present illustrious Chief Magistrate, furnishes ample proof of his capacity; and entertaining unabated confidence in the integrity, intelligence, and patriotism of that distinguished individual, we view his re-election as an event that will promote the happiness and prosperity of our common country, tend to perpetuate our free institutions, and preserve the union of the States.

Be it further resolved, That the sentiments of the President in relation to the doctrines which, in his opinion, tended to interrupt the harmony and to destroy the union of the States, are entitled to our cordial and unqualified approbation, and afford another proof of his pure and exalted patriotism, and of his devotion to the principles of our free and happy government; and that this General Assembly highly approve the celebrated *Veto* Message of the President on the Maysville and Rockville road bills, and the patriotic sentiments contained therein.

And be it further resolved, That this General Assembly, composed of the Representatives of the people, do not hesitate to declare to the world, that General Andrew Jackson is decidedly the choice of the people of the State of Alabama for re-election to the high office of which he is now so efficient an incumbent, and as such recommend him to the American people.

Approved, January 21, 1832.

JOINT RESOLUTIONS in relation to White Settlers on Indian Territory and State Jurisdiction.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That this State recognizes a power in no one to dispossess white persons who have or may settle on any lands known as Indian territory, not occupied by any Indian or Indians.

Resolved, That all the territory lying within the boundaries assigned by the United States, and accepted by the convention of Alabama, as the boundary lines of this State, is within the ordinary jurisdiction thereof, and subject to all its laws civil and criminal.

Resolved, That any exercise of jurisdiction on the part of the United States, by their courts or otherwise, over any portion of the territory aforesaid, in the possession of any Indian tribe, which could not constitutionally and legally be exercised over that portion of the territory which is in the possession of the citizens of this State, is an usurpation of power on the part of the United States. Approved, Dec. 31, 1831.

JOINT RESOLUTIONS on the Subject of the Public Lands.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That this General Assembly approve of the suggestions made by the Secretary of the Treasury, proposing on the part of the United States to sell the public lands to the States in which they are situated.

And be it further resolved, That our Senators and Representatives in Congress be requested to use their exertions to procure the passage of an act, in pursuance of the suggestions made in the foregoing resolution.

Resolved, That his Excellency the Governor be requested to forward to each of our Senators and Representatives in Congress a copy of the foregoing resolutions.

Approved, Jan. 21, 1832.

JOINT RESOLUTIONS in relation to the Suppression of Publications of an Incendiary Nature in other States.

The judiciary committee to whom was referred a communication from the Post Master at Mobile, together with an *incendiary* printed publication from the city of Albany, in the State of New-York, accompanying the same, have had the subject under consideration, and have instructed me to report—That so far as the prevention and suppression of such publications within the limits of this State can be prevented by legal sanctions, ample provision is made for that purpose by the section of an engrossed bill from the House of Representatives, entitled "An act to prevent the introduction of slaves into Alabama, and for other purposes," which has already passed the Senate. But in relation to the proper or most efficacious means of preventing and suppressing such publications without the limits of this State, by procuring the infliction of just punishment upon their authors and circulators, your committee have had much difficulty. The opinion was suggested, that an application, by way of memorial to Congress, on the subject, might be the means of effecting an object so desirable and necessary in all the slaveholding States; but, upon examination and reflection, your committee became fully satisfied, that it was a subject over which Congress could not rightfully exercise any control whatever, no power being delegated to them for that purpose by the constitution of the United States; that Congress does not possess the power to interpose and arrest an evil so dangerous and alarming to all the people of the slaveholding States, and so well calculated, if persisted in, to produce a serious misunderstanding between said States, and those in which such publications are permitted to be made, is deeply to be regretted. If rash, wicked and bigoted fanatics are suffered, under the shield and protection of the laws of the States in which they live, to poison the minds of our slaves, to render them more dissatisfied with their condition, and excite them to acts of violence and blood-shed against their masters, the harmony of the *Union* will be greatly disturbed, and the destruction of the unfortunate race thus madly and criminally attempted to be benefited, will be the probable catastrophe. Such consequences, it is the duty of every man who loves his country or humanity, to avert by all the means in his power. The superintending control and management of a subject which so intimately concerns the national welfare, would be better vested in Congress than in the several States, because of the inability of the latter to exert an authority and influence co-extensive and commensurate with the evil. If such publications were made in the States most deeply interested in preventing them, their present powers would be amply sufficient for that purpose. But such unfortunately is not the case; they are made in States distant from those whose peace and security they are intended to destroy, and where their laws cannot reach them, and hence the necessity of a more general and pervading power than those States possess. In the opinion of your committee, the most probable, if not the only, means of preventing such publications being made and circulated, will be to induce the constituted authori-

ties of those States in which they are made, to exert what powers they possess for that purpose. It is hoped and believed, that no State will be found so lost to a sense of justice, good feeling, and humanity, as not to pursue a course so reasonable in itself, and so indispensably necessary to the well-being of the slaveholding States, if required so to do. Your committee would therefore respectfully submit, that it is necessary and proper for the Governor of this State to open a correspondence, as early as convenient, with the Governors of those States in which publications have been, or may hereafter be made, tending to excite rebellion and insurrection amongst our slaves, for the purpose of inducing them to procure the adoption and enforcement of such measures in their respective States, as will effectually suppress an evil of such fearful and dangerous magnitude. And in conclusion, your committee submit the following resolutions:

1. *Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the safety, peace, and happiness of the good citizens of this State, imperiously requires the suppression of all publications tending to excite and produce conspiracies, insurrections and rebellions amongst their slaves; and that it is the solemn duty of every citizen of this State, whether in or out of office, to use all the means in his power to accomplish that object.

2. *Resolved*, That the Governor of this State be requested to open a correspondence with the Governors of those States in which such publications have been, or may hereafter be made, for the purpose of procuring the adoption and enforcement of such measures, by the proper authorities thereof, as will prevent such publications being made, and circulated when they are.

3. *Resolved*, That if any State, on the application and request of the Governor of this State for that purpose, should fail or refuse to make use of the means which such State possesses, and may rightly exert to prevent the making and circulating of such publications, such failure or refusal will be regarded by this State as evinsive of a spirit hostile to that friendship and good understanding which should characterize sister States, and as inimical to her peace and safety.

4. *Resolved*, That the Governor be requested to transmit a copy of this report and resolutions to the Governors of those States with whom he may open a correspondence in pursuance thereof. —⊙— Approved, January 21, 1832.

MEMORIAL to Congress for the Relief of certain Creek Indians of mixed blood within the State of Alabama.

To the honorable the Senate and House of Representatives of the United States in Congress assembled: The Senate and House of Representatives of the State of Alabama in General Assembly convened, respectfully represent—That actuated by a sense of duty, and deeply cherishing those sentiments of regard which are due from a State to its citizens, they beg leave to lay before your honorable body the following memorial in behalf of a portion of their people:

Your memorialists have been advised by the petition of sundry Creek Indians of mixed blood, now resident in this State among its white inhabitants, that the laws heretofore passed by Congress for such of the friendly Creek Indians as sustained a loss of property by reason of their fidelity to the cause of their white brethren, have had as to them no beneficial operation; that although some of their tribe have received a full indemnity for their losses, and others have been paid in different proportion, yet a part of those who are our petitioners, and whose names are subscribed to said petition, respectfully state, that although their claims have originated from the same meritorious cause, by some casualty, they have been entirely overlooked, and that they pray for that equal share of justice which has been bestowed upon their brethren, and that it may be extended to them. Your memorialists deem it unnecessary to allude to the substantial justice on which these demands appear to have been predicated. The liberal spirit in which they have heretofore been met by Congress, sufficiently evidencee the readiness of the General Government to redeem a pledge important alike to its national honor, and the future security of its frontier settlers. Your memorialists pretend not to be minutely acquainted with the facts which their petitioners have included in the history of their grievances, nor have they deemed it important to transmit any proofs of their verity, presuming that, should the application be deemed reasonable, your honorable body will institute such inquiry as will develope their character, and place the validity of their claims upon their just foundation, by making an appropriation sufficient to meet the demand subject to their individual call, or that of their legally authorized agents. Your memorialists believe, that they could not more strongly enforce, by any representation of their own, the claims thus presented, than has already been done in the sound views and striking language of the petitioners themselves; they therefore pray your honorable body to receive, as part of this memorial, their accompanying petition, and to provide for the grievances therein set forth, such relief as their intrinsic merit may demand.

Resolved, That the Governor be instructed to transmit a copy of the foregoing memorial to each of our Senators and Representatives in Congress.

Approved, January 20, 1832.

MEMORIAL to the Congress of the United States in relation to the Public Lands.

The General Assembly of the State of Alabama would respectfully represent to the Congress of the United States, that the most of the public lands now within the limits of this State, are of that class which has been offered and not sold. The best lands have all been disposed of through government sales; and it is believed that the present minimum price far exceeds the intrinsic value of the lands now remaining unsold. Your memorialists would, therefore, respectfully suggest the propriety of reducing the price on this class of public lands; and of permitting them to be entered in subdivisions of forty acres, giving to the occupant for a limited period a preference in the purchase. This measure, it is believed, would be of essential benefit to our community generally, and particularly to that class of our citizens who have hitherto been unable to contend with the capitalist and speculater in the market for the best land. We deem it unnecessary to attempt to illustrate, by argument, the benefits which we think would result, both to our citizens and the government, by the measure here proposed; and we respectfully submit these crude suggestions to the justice and liberality of the National Legislature. Your memorialists would again press upon the consideration of Congress, the propriety of abandoning the present mode of disposing of the public lands at auction. This system is believed not to be beneficial to the government, and in practice is found to operate injuriously and oppressively upon the purchasers. We again suggest the policy of disposing of the lands by entry in tracts, of from the lowest subdivision upwards to one quarter section, giving to actual settlers a preference for a reasonable time; and to reduce the price to fixed periods, until sold. This system, it is believed, would encourage emigration, hold forth additional inducements to purchase, and accelerate the settlement and cultivation of the public lands; and by limiting the quantity to one quarter section, it would thwart the cupidity of speculating manopolies. Your memorialists again beg leave to present to your consideration, the propriety of authorizing the holders of certificates of land, on which one fourth of the purchase money has been paid, and the land reverted to the government, to obtain certificates of scrip receivable in payment for other lands. And also to authorize those purchasers of lands, who have relinquished under the provisions of any of the acts of Congress for the relief of purchasers of public lands, and who, by relinquishment, have paid, by certificate, an amount over and above the amount for the lands so paid for, to obtain certificates of scrip to the amount of such overpayment, which may be receivable in payment for other lands. These last mentioned purchasers, it is believed, have an equal claim upon the justice of government. Your memorialists respectfully submit the foregoing suggestions to the justice and liberality of the Representatives of the nation, with a full confidence, that they will receive that consideration to which they are justly entitled, &c.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened: That our Senators and representatives in Congress, be requested to use their endeavors to procure the passage of a law, embracing the objects of the foregoing memorial.

Resolved, That the Governor be requested to transmit a copy of the foregoing memorial and resolutions to each of our Senators and Representatives in Congress.

Approved, January 21, 1832.

MEMORIAL of the General Assembly of the State of Alabama, to the Congress of the United States, for the Relief of William Williams and William Bush.

The General Assembly of said State beg leave to bring to the notice of the Congress of the United States, the claims of the abovenamed citizens of said State. It appears to this General Assembly, that these individuals being in the public service on the frontiers of the State of Georgia in the late war with the Creek and Seminole Indians, while absent from home, had their property destroyed by the latter named Indians; and that notwithstanding their claims have long since been laid before the War Department of the United States, these men have received no remuneration for the losses and injuries so sustained by them. This General Assembly, therefore, recommend to the favorable consideration of Congress the claims aforesaid.

Resolved, That his Excellency the Governor be requested to furnish each of our Senators and Representatives in Congress with a copy of this memorial.

Approved, January 21, 1832.

DEPARTMENT OF STATE. TUSCALOOSA, FEBRUARY 18, 1832.

I have carefully examined the foregoing Acts and Resolutions, and find them to be true copies of the original rolls deposited in this office. JAMES I. THORNTON, Secretary of State.

ERRATUM.—In page 36, at the bottom, in the approval, for 1831, read 1832.

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